



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 51] नई दिल्ली, शनिवार, दिसम्बर 19, 1987/अग्रहायण 28, 1909
No. 51] NEW DELHI, SATURDAY, DECEMBER 19, 1987/AGRAHAYANA 28, 1909

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India (other than
the Ministry of Defence)

कामिक, लोक शिकायत तथा पेंशन मंत्रालय

(कामिक और प्रशिक्षण विभाग)

नई दिल्ली, 30 नवम्बर, 1987

आदेश

का. घा. 3455 -- केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 के साथ पठित, धारा 8 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राजस्थान राज्य सरकार की सहमति से भारत के राजपत्र भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 21 सितम्बर, 1985 के पृ. 4898 पर प्रकाशित भारत सरकार के कामिक लोक शिकायत और पेंशन मंत्रालय (कामिक और प्रशिक्षण विभाग) के आदेश सं. का घा. 4376 तारीख 10 सितम्बर, 1985 का निम्नलिखित संशोधन करती है। उक्त आदेश में :-

(i) उद्देशिका में :-

क) "जैसलमेर जिले में (4) साम, (5) सिनसिन वाली" कोष्ठकों, अंकों और शब्दों के स्थान पर "जैसलमेर जिले में (4) साम, (5) सिनसिनवाणी और (6) सांगेर" कोष्ठक, अंक और शब्द रखे जाएंगे,

(ख) "बाड़मेर जिले में (5) सेइवा और (6) बकासर" कोष्ठकों, अंकों और शब्दों के स्थान पर "बाड़मेर जिले में (5) सेइवा, (6) बकासर और (7) के स्थान शिव "कोष्ठक, अंक और शब्द रखे जाएंगे;

(ii) खण्ड (i) में 138, 140 "अंकों के स्थान पर" 138, 140, 147, 148, 149 अंक रखे जाएंगे;

(iii) खण्ड (xii) को खण्ड (xiii) के रूप में पुनर्संख्यांकित किया जाएगा और इस प्रकार पुनर्संख्यांकित खण्ड (xiii) से पहले निम्नलिखित खण्ड अन्तःस्थापित किया जाएगा, अर्थात् :-

"(iv) सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 110 के अधीन वृषणीय अपराध"।

[संख्या 228/12/87-ए वी डी (II)]

जी. सीतारामन, प्रवर सचिव

MINISTRY OF PERSONNEL, P.G. & PENSIONS

(Department of Personnel & Training)

New Delhi, the 30th November, 1987

ORDER

S.O. 3455.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government, with the consent of the Government of the State of Rajasthan, hereby makes the following amendment in the order of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel & Training) No. S.O. 4376 dated the 10th September, 1985 published at page 4898 of Part-II,

Section 3, Sub-section (ii) of the Gazette of India dated the 21st September, 1985. In the said order :—

(i) in the preamble —

(a) for the brackets, figures and words “(4) Sam, (5) Jhinjhinvali, in Jaisalmer District,” the brackets, figures and words “(4) Sam, (5) Jhinjhinvali and (6) Sanger, in Jaisalmer District” shall be substituted ;

(b) for the brackets, figures and words “5 Sedwa and (6) Bakasar, in Barmer District,” the brackets, figures and words “(5) Sedwa, (6) Bakasar and (7) Shiv, in Barmer District” shall be substituted.

(ii) in clause (i), for figures “138, 140,” the figures “138, 140, 147, 148, 149,” shall be substituted ;

(iii) clause (xii) shall be re-numbered as clause (xiii) and before clause (xiii) as so renumbered the following clause shall be inserted, namely :—

“(xii) offences punishable under section 110 of the Customs Act, 1962 (52 of 1962)”.

[No. 228/12/87-AVD. II]
G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 1 दिसम्बर, 1987

प्रावेश

स्टाम्प

का.आ. 3456:—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एनडू द्वारा उस मुलक को माफ करती है, जो राष्ट्रीय लघु उद्योग निगम, नई दिल्ली द्वारा जारी किए जाने वाले केवल दस करोड़ रुपये के मूल्य के प्रथम श्रेणी के बचन-पत्रों “आई.डी.बी.आई” श्रृंखला -10 करोड़ रुपये (1987) के स्वरूप के तदर्थ बंध-पत्रों पर उक्त अधिनियम के अन्तर्गत प्रभावी है।

[सं. 51/87-स्टाम्प-का.सं. 33/40/87-वि.कर]
बी.आर. मेहमी, धवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 1st December, 1987

ORDER

STAMPS

S.O. 3456.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the ad-hoc bonds in the nature of Promissory notes “IDBI” loan—Rs. 10 crores (1987)—1st Series of the value of rupees ten crores only to be issued by the National Small Industries Corporation, New Delhi are chargeable under the said Act.

[No. 51/87-Stamp-F. No. 33/40/87-ST]

B. R. MEHMI, Under Secy.

(वैयक्तिक कार्य विभाग)

(वैयक्तिक प्रभाग)

नई दिल्ली, 27 नवम्बर, 1987

का.आ. 3457:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 2 के उपखण्ड (1) के साथ पठित खण्ड 3 के

उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री एस. पद्मनाभान को 6 नवम्बर, 1987 से प्रारम्भ होने वाली और 4 दिसम्बर, 1987 को समाप्त होने वाली अवधि के लिए इण्डियन ओवरसीज बैंक के प्रबन्ध निदेशक के रूप में पुनः नियुक्त करती है।

[संख्या एफ. 9/34/87-बी ओ-1(1)]

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 27th November, 1987

S.O. 3457.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby, re-appoints Shri S. Padmanabhan as the Managing Director of Indian Overseas Bank for a period commencing on November 6, 1987 and ending with December 4, 1987.

[No. F. 9/34/87-BO.I(1)]

का.आ. 3458:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री एस. पद्मनाभान को, जिन्हें 6 नवम्बर, 1987 से प्रबन्ध निदेशक के रूप में पुनः नियुक्त किया गया है, उसी तारीख से इण्डियन ओवरसीज बैंक निदेशक के बोर्ड के अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एफ. 9/34/87-बी ओ -1(2)]

S.O. 3458.—In pursuance of sub-clause (1) of clause 5, read with clause 7 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri S. Padmanabhan who has been re-appointed as Managing Director of India Overseas Bank with effect from November 6, 1987 to be the Chairman of the Board of Directors of Indian Overseas Bank with effect from the same date.

[No. F. 9/34/87-BO. I(2)]

का.आ. 3459:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1980 के खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री पी.एस. गोपाल कृष्णन, संप्रति अध्यक्ष एवं प्रबन्ध निदेशक, ओरियंटल बैंक आफ कामर्स को 5 दिसम्बर, 1987 से प्रारम्भ होने वाली और 4 दिसम्बर, 1992 को समाप्त होने वाली अवधि के लिए इण्डियन ओवरसीज बैंक के प्रबन्ध निदेशक के रूप में नियुक्त करती है।

[संख्या एफ. 9/34/87-बी.ओ-1 (3)]

S.O. 3459.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri P. S. Gopalakrishnan, presently Chairman and Managing Director, Oriental Bank of Commerce as the Managing Director of India Overseas Bank for a period commencing on 5 December, 1987 and ending with 4 December, 1992.

[No. F. 9/34/87-BO. I(3)]

का. आ. 3460:—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबन्ध) स्कीम, 1970 के खण्ड 7 के साथ पठित खण्ड 5 के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् श्री पी० एस० गोपालकृष्णन को, जिन्हें 5 दिसम्बर, 1987 से इण्डियन ओवरसीज बैंक के प्रबन्ध निदेशक के रूप में नियुक्त किया गया है, उसी तारीख से इण्डियन ओवरसीज बैंक के निदेशक के अध्यक्ष के रूप में नियुक्त करती है।

[संख्या एक० 9/34/87-बी ओ -1(4)]

एस०एस० हसूरकर, निदेशक

S.O. 3460.—In pursuance of sub-clause (1) of clause 5, read with clause 7, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government after consultation with the Reserve Bank of India, hereby appoints Shri P. S. Gopalakrishnan who has been appointed as Managing Director of Indian Overseas Bank with effect from 5 December, 1987 to be the Chairman of the Board of Directors of Indian Overseas Bank with effect from the same date.

[No. F. 9/34/87-BO. I(4)]

S. S. HASURKAR, Director

(राजस्व विभाग)

नई दिल्ली, 17 सितम्बर, 1987

(आयकर)

का. आ. 3461—आयकर अधिनियम, 1961 (1961 का 43) की धारा 80-छ की उपधारा (2) के खण्ड (ख) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उक्त उप-धारा के प्रयोजनार्थ, “श्री वेणुगोपाल देवासवम टेम्पल, पुरातकड” को ऐतिहासिक महत्व के रूप में अधिसूचित करती है।

[सं. 7533/फा.सं. 176/71/85-आ.क. (नि.-I)]

(Department of Revenue)

New Delhi, the 17th September, 1987

(INCOME-TAX)

S.O. 3461.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “Shri Venugopala Devaswom Temple, Purakkad” to be of historical importance for the purpose of the said sub-section.

[No. 7533 /F. No. 176/71/85-IT (AI)]

नई दिल्ली, 5 अक्टूबर, 1987

आयकर

का. आ. 3462—इस कार्यालय की दिनांक 30-9-1986 की अधिसूचना सं. 6940 फा. सं. 203/46/86-आ.क. नि.-II के सिलसिले में, सर्वसाधारण की

जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के साथ पठित आयकर अधिनियम, 1961 की धारा 35 की उपधारा (i) के खंड (ii) (वैज्ञानिक/एक/दो) के प्रयोजनों के लिए “संस्था” प्रवर्ग के अर्गन निम्नलिखित शर्तों पर अनुमोदित किया है —

- (i) यह कि संगीत अनुसंधान अकादमी, कलकत्ता अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त संस्थान अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त “संस्थान” अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त “संस्थान” केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

“संगीत अनुसंधान अकादमी, 1, नेताजी सुभाष

चन्द्र बोस रोड, ट्रालीगज, कलकत्ता-700 040।

यह अधिसूचना 1-4-1987 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं० 7570-फा०सं० 203/295/86-आ०का०(नि० II)]

New Delhi, the 5th October, 1987

INCOME-TAX

S.O. 3462.—In continuation of this Office Notification No. 6940 (F. No. 203/46/86-ITA. II) dated 30-9-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read

with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That the Sangeet Research Academy, Calcutta will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Sangeet Research Academy, 1, Netaji Subhas Chandra Bose Road, Tollygunge, Calcutta-700040.

This Notification is effective for a period from 1-4-1987 to 31-3-1989.

[No. 7570/F. No. 203/295/86-ITA-II]

नई दिल्ली, 8 अक्टूबर, 1987

आयकर

का. आ. 3463—इस कार्यालय की दिनांक 20-2-86 की अधिसूचना सं. 6596 (फा. सं. 203/162/85-आ. क. नि.-2) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर नियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खण्ड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संस्था" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है:—

- (i) यह कि सलगावकर मेडिकल रिसर्च सेंटर, गोवा अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक लेखा रखेगा।
- (ii) यह कि उक्त "संस्थान" अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे रूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकथित किया जाए और उसे सूचित किया जाए।

- (iii) यह कि उक्त "संस्थान" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों को तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा

इन दस्तावेजों में से प्रत्येक की एक-एक प्रति, केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।

- (iv) यह कि उक्त "संस्थान" केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समिति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"सलगावकर मेडिकल रिसर्च-सेंटर, एयरपोर्ट रोड, चिकालिम, गोवा-403711."

यह अधिसूचना 1-4-1986 से 31-3-1989 तक की अवधि के लिए प्रभावी है।

[सं. 7573. फा. सं 203/127/86-आ. क. नि.-II]

New Delhi, the 8th October, 1987

INCOME-TAX

S.O. 3463.—In continuation of this Office Notification No. 6596 (F. No. 203/162/85-ITA-II) dated 20-2-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (I) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Institution" subject to the following conditions :—

- (i) That the Salgaocar Medical Research Centre, Goa will maintain a separate account of the sums received by it for scientific research.
- (ii) That the said Institute will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Institute will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Institute will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

Salgaocar Medical Research Centre, Airport Road, Chikalim, Goa-403711.

This Notification is effective for a period from 1-4-1986 to 31-3-1989.

[No. 7573-F. No. 203/127/86-ITA-II]

आयकर

का. आ 3464—इस कार्यालय की दिनांक 23-6-1986 की अधिसूचना सं. 6768 (फा. सं. 203/6/85-आ. क. नि.-II) के सिलसिले में, सर्वसाधारण की जानकारी के लिए एतद्वारा अधिसूचित किया जाता है कि विहित प्राधि-

कारी, अर्थात् वैज्ञानिक और औद्योगिक अनुसंधान विभाग, नई दिल्ली, ने निम्नलिखित संस्था को आयकर अधिनियम 1962 के नियम 6 के साथ पठित आयकर अधिनियम 1961 की धारा 35 की उपधारा (i) के खंड (ii) (पैतीस/एक/दो) के प्रयोजनों के लिए "संगम" प्रवर्ग के अधीन निम्नलिखित शर्तों पर अनुमोदित किया है :—

- (i) यह कि निम्बकार कृषि अनुसंधान संस्थान, सतारा अपने वैज्ञानिक अनुसंधान के लिए स्वयं द्वारा प्राप्त राशियों का पृथक् लेखा रखेगा।
- (ii) यह कि उक्त "संगम" अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी, विहित प्राधिकारी को प्रत्येक वित्तीय वर्ष के संबंध में प्रति वर्ष 31 मई तक ऐसे प्ररूप में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकृत किया जाए और उसे सूचित किया जाए।
- (iii) यह कि उक्त "संगम" अपनी कुल आय तथा व्यय दर्शाते हुए अपने संपरीक्षित वार्षिक लेखों की तथा अपनी परिसंपत्तियां, देनदारियां दर्शाते हुए तुलन-पत्र की एक-एक प्रति, प्रति वर्ष 30 जून तक विहित प्राधिकारी को प्रस्तुत करेगा तथा इन दस्तावेजों में से प्रत्येक की एक-एक प्रति केन्द्रीय प्रत्यक्षकर बोर्ड, नई दिल्ली तथा संबंधित आयकर आयुक्त को भेजेगा।
- (iv) यह कि उक्त "संगम" केन्द्रीय प्रत्यक्ष कर बोर्ड, वित्त मंत्रालय (राजस्व विभाग), नई दिल्ली को अनुमोदन की समाप्ति से तीन माह पूर्व और अवधि बढ़ाने के लिए आवेदन करेगा। आवेदन प्रस्तुत करने में किसी प्रकार की देरी होने पर प्रार्थना-पत्र रद्द कर दिया जाएगा।

संस्था

"निम्बकार कृषि अनुसंधान संस्थान, फाल्टन, सतारा-415523"

यह अधिसूचना 1-4-1987 से 31-3-1988 तक की अवधि के लिए प्रभावी है।

[मं. 7575(फा. सं. 203/297/86-आ. का. नि-II)
रोशन सहाय, अवर सचिव

S.O. 3464.—In continuation of this Office Notification No. 6768 (F. No. 203/6/85-ITA-II) dated 23-6-1986, it is hereby notified for general information that the Institution mentioned below has been approved by Department of Scientific and Industrial Research, New Delhi, the Prescribed Authority for the purposes of clause (ii) of sub-section (1) of Section 35 (Thirty Five/One/Two) of the Income-tax Act, 1961 read with Rule 6 of the Income-tax Rules, 1962 under the Category "Association" subject to the following conditions :—

- (i) That the Nimbkar Agricultural Research Institute, Satara will maintain a separate account of the sums received by it for scientific research.

- (ii) That the said Association will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 31st May each year.
- (iii) That the said Association will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their income and expenditure and Balance Sheet showing its assets liabilities with a copy of each of these documents to the Central Board of Direct Taxes, New Delhi and the concerned Commissioner of Income-tax.
- (iv) That the said Association will apply to Central Board of Direct Taxes, Ministry of Finance (Department of Revenue), New Delhi, 3 months in advance before the expiry of the approval for further extension. Applications received after the date of expiry of approval are liable to be rejected.

INSTITUTION

"Nimbkar Agricultural Research Institute, Phaltan, Satara-415523."

This Notification is effective for a period from 1-4-1987 to 31-3-1988.

[No. 7575-F. No. 203/287/86-ITA-II]
ROSHAN SAHAY, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहृतलय

नागपुर, 1 दिसम्बर, 1987

अधिसूचना संख्या 13/87

का. आ. 3465.—समाहृतलय, केन्द्रीय उत्पाद शुल्क, नागपुर, के श्री बी. टी. कोतपल्लीवार, लेखा परीक्षक समूह "ख", स्वेच्छा से दिनांक 30-10-87 को अपरान्ह में शासकीय सेवा से निवृत्त हो गए।

[प. सं. II(3) 7/87/स्था-1]

जीत राम कैत, उप समाहर्ता (का. एवं. स्था.)

CENTRAL EXCISE COLLECTORATE

Nagpur, the 1st December, 1987

NOTIFICATION NO. 13/87 dt. 27-11-88

S.O. 3465.—Shri B. T. Kotpalliwar, Examiner of Accounts, Central Excise, Group 'B' Nagpur Collectorate retired voluntarily from Government Service on 30th October, 1987 in the afternoon.

[C. No. II(3)7/87/Est. I]

J. R. KAIT, Dy. Collector (P&T)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 8 अक्तूबर, 1987

(आयकर)

का. आ. 3466.—आयकर अधिनियम 1961 (1961 का 43) की धारा 121 की उप-धारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड समय-

समय पर यथासंशोधित सं. 679 में दी गई अनुसूची में निम्नलिखित संशोधन करती है :—

क्रम सं. 9 और 9-क के सामने स्तम्भ संख्या 1, 2 तथा 3 में दी गई प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां प्रतिस्थापित की जायेंगी :—

आयकर आयुक्त	प्रधान कार्यालय	क्षेत्राधिकार
1	2	3
9. दिल्ली (केन्द्रीय-1)	नई दिल्ली	1. दिल्ली के केन्द्रीय मंत्रिमण्डल I, II, IV, V, VI, XI, XII, XIII, XVII, XIX, XX, XXIII, तथा XV 2. केन्द्रीय परिमण्डल, मेरठ 3. केन्द्रीय परिमण्डल, गाजियाबाद 4. नि.स. आयुक्त (क. नि.), केन्द्रीय रेंज-I, नई दिल्ली। 5. निरीक्षी सहायक आयुक्त (क. नि.), केन्द्रीय रेंज-II, नई दिल्ली। 6. निरीक्षी सहायक आयुक्त (क. नि.), केन्द्रीय रेंज-V, नई दिल्ली।
9-क (दिल्ली) (केन्द्रीय-II)	नई दिल्ली	1. केन्द्रीय परिमण्डल-III, VII, VIII, IX, X, XIV, XV, XVI, XVIII, XXI, XXII, XXIV तथा XXVI, नई दिल्ली। 2. निरीक्षी सहायक आयुक्त (क. नि.), केन्द्रीय रेंज-III, नई दिल्ली। 3. निरीक्षी सहायक आयुक्त (क. नि.), केन्द्रीय रेंज-IV, नई दिल्ली। 4. निरीक्षी सहायक आयुक्त (क. नि.), केन्द्रीय रेंज-VI, नई दिल्ली।

यह अधिसूचना दिनांक 5-10-1987 से लागू होगी।

[सं. 7576(फा.सं. 187/9/87-आ. क. (नि.-I)]

के.के. त्रिपाठी, सचिव

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 8th October, 1987

(INCOME-TAX)

S. O. 3466.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes makes the following amendments to the schedule appended to its notification No. 679 (F. No. 187/2/74-IT(A1) dated 20-7-1974 as amended from time to time.

The entries in column Nos. 1, 2, and 3 against Serial Nos. 9 and 9A are substituted as under :—

Commissioner of Income-tax	Headquarters	Jurisdiction
1	2	3
9. Delhi (Central)- I.	New Delhi	1. Central Circles—I, II, IV, V, VI, XI, XII, XIII, XVIII, XIX, XX, XXIII and XXV at Delhi. 2. Central Circle, Meerut. 3. Central Circle, Ghaziabad. 4. Inspecting Asstt. Commissioner (Asstt.) Central Range-I, New Delhi. 5. Inspecting Asstt. Commissioner (Asstt.) Central Range-II, New Delhi. 6. Inspecting Asstt. Commissioner (Assessment) Central Range-V, New Delhi.
9A. Delhi (Central)-II.	New Delhi	1. Central Circle-III, VII, VIII, IX, X, XIV, XV, XVI, XVII, XXI, XXII, XXIV, and XXVI, New Delhi. 2. Inspecting Asstt. Commissioner (Asstt.) Central Range-III, New Delhi. 3. Inspecting Asstt. Commissioner (Asstt.) Central Range-IV, New Delhi. 4. Inspecting Asstt. Commissioner (Asstt.) Central Range-VI, New Delhi.

This notification shall take effect from 5-10-1987.

[No. 7576 (F. No. 187/9/87-IT (AI)]

K. K. TRIPATHI, Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 3 दिसम्बर, 1987

का. आ. 3467.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ख) के उपबंधों के अनुसरण में डाक्टर बी. एन. पवार को पुणे विश्वविद्यालय की सीनेट द्वारा, इस अधिसूचना के जारी किए जाने की तारीख से भारतीय आयुर्विज्ञान परिषद् का सदस्य निर्वाचित किया गया है।

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 43 की उपधारा (1) के अनुसरण में और भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) तारीख 5 दिसम्बर, 1987 में का. आ. सं. 2378 के रूप में प्रकाशित भारत सरकार के स्वास्थ्य और परिवार कल्याण मंत्रालय की अधिसूचना संख्या पी. 11013/64/87-एम. ई. (पी.), तारीख 25 अगस्त, 1987 को अधिकांश करते हुए, भारत सरकार के स्वास्थ्य एवं परिवार कल्याण मंत्रालय की अधिसूचना सं. का. आ. 138 (सं. 5—13/59-एम. आई), तारीख 9 जनवरी, 1960 का निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खंड (ख) के अधीन निर्वाचित" शीर्षक के नीचे, क्रम संख्यांक 18 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टि रखी जाएगी, अर्थात् :—

"18. डा. वी. एन. पवार,
सुश्रुत अस्पताल,
नवी पंडित कालोनी,
नासिक-422002।"

[संख्या बी. 11013/64/87-एम. ई. (पी.)]
आर. श्रीनिवासन, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE
(Department of Health)
New Delhi, the 3rd December, 1987

S.O. 3467.—Whereas in pursuance of the provisions of clause (b), of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. V. N. Pawar has been elected by the Senate of University of Poona to be a member of the Medical Council of India with effect from the date of issue of this Notification.

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, and in supersession of the Notification issued by the Government of India in the Ministry of Health and Family Welfare No. V. 11013/64/87-ME(P), dt. the 25th August, 1987 and published as S.O. No. 2378 in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 5th September, 1987, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Health, No. S.O. 138, (No. 5—13/59-MI), dated the 9th January, 1960, namely :—

In the said Notification, under the heading 'Elected under clause (b) of sub-section (1) of section 3', for serial number 18 and the entry relating thereto, the following serial number and entry shall be substituted, namely :—

"18. Dr. V. N. Pawar,
Sushrut Hospital,
Navi Pandit Colony,
Nasik-422002.

[No. V. 11013/64/87-ME(P)]
R. SRINIVASAN, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1987

शक्ति पत्र

का. आ. 3468.—भारत के राजपत्र के भाग II, खंड 3, उपखंड (ii) का. आ. संख्या 1030, दिनांक 30-3-1987 से उद्धृत अंश में प्रकाशित स्वास्थ्य और परिवार कल्याण मंत्रालय की दिनांक 30 मार्च, 1987 की अधिसूचना संख्या बी. 26015/15/82-ए. ई. के द्वितीय रूपांतर में शक्ति कर के पृष्ठ संख्या 1513, 1514 पर दिनांक 18-4-1987 की प्रविष्टि में स्तम्भ संख्या 4 में "1978" के बाद "से आगे" शब्द जोड़े जाएं।

[संख्या बी. 26015/15/82-ए. ई.]
रामस्वरूप माथुर, अवर सचिव

संचार मंत्रालय

(दूरसंचार विभाग)

नई दिल्ली, 3 दिसम्बर, 1987

का. आ. 3469.—स्थायी आदेश संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गए भारतीय तार नियम, 1951 के नियम 434 के खंड III के पैरा (क) के अनुसार महानिदेशक, दूरसंचार विभाग ने नवावा टेलीफोन केन्द्र, बिहार सर्किल, में दिनांक 16-12-1987 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं. 5—11/87—पी. एच. बी.]
पी. आर. कारड़ा, सहायक महानिदेशक
(पी. एच. बी.)

MINISTRY OF COMMUNICATIONS
(Department of Telecommunications)

New Delhi, the 3rd December, 1987

S.O. 3469.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627, dated 8th March, 1960, the Director General Department of Telecommunications, hereby specifies 16-12-87 as the date on which the Measured Rate System will be introduced in Nawadah Telephone Exchange, Bihar Telecom. Circle.

[No. 5—11/87-PHB]
P. R. KARRA, Asstt. Director General (PHB)

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 18 नवम्बर, 1987

आदेश

का. आ. 3470.—भारत सरकार के सूचना और प्रसारण मंत्रालय के आदेश संख्या एस. ओ. 3792, दिनांक 2 दिसम्बर, 1966 की प्रथम अनुसूची में निविष्टि प्रत्येक अधिनियम के उपबंध के अन्तर्गत जारी किए गए निर्देशों के अनुसरण में, केन्द्रीय सरकार,

फिल्म सजाहकार बोर्ड, बम्बई की सिफारिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगी अनुसूची के कालम 2 में दी गई फिल्मों को, उनके सभी भारतीय भाषाओं के रूपांतरों सहित जिनका विवरण प्रत्येक के सामने उक्त अनुसूची के कालम 6 में दिया हुआ है स्वीकृत करती है—

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई	आवेदक का नाम	निर्माता का नाम	संक्षिप्त रूपरेखा कि क्या वैज्ञानिक फिल्म है, या शिक्षा संबंधी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है
1	2	3	4	5	6
1.	जी शनधारा	565.51	मैसर्स जगत मुरारी प्रोड्यूसर्स, 105, कलपावरी, 27/1-वी इरावावने, पुणे		सामान्य प्रदर्शन के लिए स्वीकृत और डाकुमेंट्री फिल्म के रूप में वर्गीकृत
2.	वातसत्य मूर्ति गंगाबा	499.87	सहायक सूचना निदेशक, गुजरात सरकार, रामनोर्ड रिसर्च लैबोरेटरी, लिमिटेड, 77 डा. एनी बेसेंट रोड, बम्बई-18		गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
3.	दि फ्री रेस	302.67	श्री मोहन कौल, बी-6 सुबर पार्क, न्यू लिंक रोड, अंधेरी बम्बई		सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
4.	सिक्किम-कल्चर एंड प्रोप्रेस	458.04	मुख्य प्रोड्यूसर फिल्म प्रभाग 24 पैडार रोड, बम्बई-26		-तदैव-
5.	संसार और परिवार	280.87	राजवीप, 4 जीनत प्रथम मंजिल 57 ए, लेडी जमशेदजी रोड, बम्बई-16		-तदैव-
6.	लांजिया सौरस	274.32	विलीपदत्ता 22/339, सिद्धार्थ नगर गोरेगांव, बम्बई-62	विलीपदत्ता फायरिंग बाजार कटक-9	-तदैव-
7.	वार्ता तरंगिनी-86	285.06	आन्ध्र प्रदेश राज्य फिल्म; विकास निगम लिमिटेड 11-5-423/1, जफरबाग, लकड़ी का पुल, हैदराबाद-4		आन्ध्र प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत और समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
8.	गांधी तारा	499.87	सहायक सूचना निदेशक, गुजरात सरकार, रामनोर्ड रिसर्च लैबोरेटरी, वर्ली बम्बई, बम्बई-18		सामान्य प्रदर्शन के लिए स्वीकृत और डाकुमेंट्री फिल्म के रूप में वर्गीकृत
9.	मेघदम्बरी	202.00	सूचना और जनसम्पर्क महा- निदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68 तारदेव रोड, बम्बई-400034		महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
10.	महाराष्ट्र समाचार चित्र संख्या 411	198.00		-तदैव-	-तदैव-

1	2	3	4	5	6
11. गिफ्ट	309.37	श्री सोमेश्वरे, डी-4, कलस्टर-9, सेक्टर 3, पूर्वांचल माल्ट लेक सिटी, कलकत्ता			सामान्य प्रदर्शन के लिए स्वी- कृत तथा डाकूमेंट्री फिल्म के रूप में वर्गीकृत
12. होमोज टु ए स्कल्पटर	388.39	श्री होमी सेठना, 72, अपारमेन्टम रूगिया लेन, बम्बई-6			—तदैव—
13. वी दि पीपल आफ इंडिया	599.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग 24 पैडर रोड, बम्बई			—तदैव—
14. प्रिवेशन (रोकथाम)	509.00	विमला स्वामीनाथन, बी एम एन्टरप्राईजिस, 11, रामश्याम निवास, एस. टी. टैम्पल रोड महोम, बम्बई-400016			—तदैव—
15. महिती चित्र संख्या 446	298.70	सहायक सूचना निदेशक, गुजरात सरकार, रामानाई शोध लेबोरेट्री लि., 77, डा. ऐनी बेसेंट रोड, बर्ली, बम्बई-18			गुजरात मार्केट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
16. पूर्वधा निगम	504.75	सहायक सूचना निदेशक, गुजरात सरकार, रामानाई शोध लेबोरेट्री लि. 77, डा. ऐनी बेसेंट रोड, बर्ली, बम्बई-18			सामान्य प्रदर्शन के लिए स्वीकृत और डाकूमेंट्री फिल्म के रूप में वर्गीकृत
17. पहल	478.88	—तदैव—			गुजरात मार्केट में प्रदर्शन के लिए स्वीकृत तथा डाकू- मेंट्री फिल्म के रूप में वर्गीकृत
18. उठी जागो	485.00	श्री मोतीसागर 148, अनिल निवास वेल्केणवर रोड, बम्बई- 400006			सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकूमेंट्री फिल्म के रूप में वर्गीकृत
19. रिबर्स आफ केरल	330.00	श्री जेम्स पॉल, मैसर्स साईट एंड माउंट पी बी. संख्या 307, एल्लेपी, केरल			सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकूमेंट्री फिल्म के रूप में वर्गीकृत
20. मजहब	192.32	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24 पैडर रोड, बम्बई-400026			—तदैव—
21. उत्तर प्रदेश समाचार 120	292.00	सूचना और जनसम्पर्क निदेशक, उत्तर प्रदेश सरकार, लखनऊ			उत्तर प्रदेश मार्केट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत

1	2	3	4	5
22.	संज्ञिति चित्र 447	298.70	सहायक सूचना निर्देशक, गुजरात सरकार, रामनार्ड अनुसंधान लेबोरेटरी वि 77, डा. ऐनी बेसेन्ट रोड, बम्बई 401018	गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
23.	प्लास्टिक सर्जरी	286.00	श्री हरीश कुमार पटेल, मैसर्स एम.एच. प्रोडक्शन, ननवे काटेज, बोरिवलि, बम्बई 1	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
24.	पद्मनाभपुरम रैलेम	599.85	श्री बी आर सतोप, मेसर्स गोकुलम एन्टरप्राईजिस, हाऊस नं. 319 प्रणत नगर, राधिका उल्लूर मैडिकल कालेज पी. ओ. त्रिवेन्द्रम	केरल सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
25.	लड़का या लड़की	110.03	श्री वी.एन.मनन, खरे सदन साहित्यवादी पाठकर मार्ग कुर्ली, बम्बई-70	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
26.	गोवा ए ज्वेल आफ इंडिया	300.00	श्री जे.एस.ब्रह्मदेकर, एम-17, अग्नेडकर नगर, पालेक टैंक रोड, बम्बई 12.	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
27.	बी इमोर्टल	293.83	श्री जी.एम. भट्ट, 3 लोकमान्य तिलक रोड, नम्बर, 1 गोरगांव, बम्बई-62	—तथैव—
28.	संज्ञिति चित्र संख्या 448	289.56	सहायक सूचना निर्देशक, गुजरात सरकार, रामनार्ड शोध लेबोरेटरी 77, डा. ऐनी बेसेन्ट रोड, बम्बई-18	गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
29.	महाराष्ट्र समाचार संख्या 412	291.00	सूचना और जनसम्पर्क महा- निदेशालय महाराष्ट्र सरकार फिल्म सेंटर, 68 तारदेव रोड, बम्बई-34	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार तथा सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
30.	रुटम आफ डैमोकेमी भाग	491.33	मुख्य प्रोड्यूसर फिल्म प्रभाग, 24 पैडर रोड, बम्बई 4000026	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
31.	समाचार पत्रिका संख्या 70	502.00	—तथैव—	—तथैव—
32.	स्वामी हरिदास	515.05	सूचना और जनसम्पर्क निर्देशक, उत्तर प्रदेश सरकार, लखनऊ	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत

1	2	3	4	5
33.	रोष्णा माहोमन्वी महाराष्ट्र	282.00	सूचना और जनसम्पर्क महा- निदेशालय महाराष्ट्र सरकार फिल्म सेंटर, 68 तारदेव रोड, बम्बई-34	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
34.	रूदम आक डमोकेसी भाग—2	427.63	मुख्य निर्माता, फिल्म प्रभाग 24 पैडर रोड, बम्बई-400026	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
35.	उत्तर प्रदेश समाचार 121	295.66	सूचना और जनसम्पर्क निदेशक उत्तर प्रदेश सरकार, लखनऊ	उत्तर प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत और डाकु- मेंट्री फिल्म के रूप में वर्गीकृत
36.	गोस्त का तबगार गवाची	297.90	सूचना और जनसम्पर्क महा- निदेशालय, महाराष्ट्र सरकार फिल्म सेंटर, 68 तारदेव रोड रोड, बम्बई-34	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
37.	हार्द गुडवेन्चर आन व्हाईट वाटर्स (एस० वी० (इन्डो-यू.एम्. गंगा एक्स प्रोडिजन्), 1984	595.00	मुख्य प्रोड्यूसर फिल्म प्रभाग, 24. पैडर रोड, बम्बई-400026	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
38.	थू ए डिफरेंट लैम	605.74	मैमर्स कृष्णस्वामी एणामियेट्स प्राईवेट लि. महात्मागांधी रोड, गान्धी नगर मद्रास-600041	—तथैव—
39.	फूड एंड न्यूट्रिशन फार दि पीपल	291.60	कबडिडा फिल्मस, 19 ए, शेक्सपियर सरनी कलकत्ता— 700071	सामान्य प्रदर्शन के लिए स्वी- कृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
40.	स्वरगम चितिलो अन्दी	502.92	आन्ध्र प्रदेश राज्य फिल्म विकास निगम लि., 11-5- 423/1 जफर भाग लकड़ी का जुल. हैदराबाद-500004	आन्ध्र प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकु- मेंट्री फिल्म के रूप में वर्गी- कृत
41.	फिलमोत्सव 86	550.30	—तथैव—	—तथैव—
42.	समाचार पत्रिका 71	300.00	मुख्य प्रोड्यूसर फिल्म प्रभाग, 24 पैडर रोड, बम्बई-400026	सामान्य प्रदर्शन के लिए स्वीकृत तथा समाचार तथा सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
43.	मनिन्जाइटिस	182.00	—तथैव—	सामान्य प्रदर्शन के लिए स्वी- कृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
44.	महिनिचित्र 150	254.08	सहायक सूचना सूचना निदेशक, गुजरात निदेशक सरकार, रामबाई सचिवालय लेबोर्ट्री लि., ब्लाक 87, 77 ई. एम. गांधीनगर वेस्ट रोड, वर्ली, बम्बई।	गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार तथा सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
45.	पुनर्जन्म	200.00	सूचना और जनसम्पर्क महानिदेशालय, महाराष्ट्र सरकार फिल्म सेंटर, 68 तारदेव रोड, बम्बई-400034	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत।
46.	अवसर	94.00	—तथैव—	—तथैव—

1	2	3	4	5
47.	क्लाट वेंट रोग	341.38	मैसर्स जॉकिल प्रोडक्शन्स अशरफ मूवियों, महिम रेलवे स्टेशन के सामने, महिम, बम्बई-400016	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
48.	स्वास्थ्य सत्र के लिए	285.60	सूचना और जनसम्पर्क निदेशक उत्तर प्रदेश सरकार, लखनऊ	डाकुमेंट्री फिल्म वर्गीकरण के अन्तर्गत उत्तर प्रदेश प्रमाण- पत्र पर प्रदर्शन के लिए स्वीकृत
49.	आप का बल्बा ऐसा नो नहीं	131.00	श्री कुम्भेश श्रीवास्तव, श्री 913 सेक्टर-7, सी. जी. एम. कालोनी, बम्बई-37	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
50.	चेनाबनी	147.80	श्री यू. एम. करकेरा मोर्फत एम. बी. बंगेर, 246/11 बी. एम. एच. बी. कालोनी, धकोला पल के पास, बम्बई-56	सामान्य प्रदर्शन के लिए स्वीकृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत
51.	हू आर बी	149.00	मुख्य प्रोड्यूसर फिल्म प्रभाग 24 पैडर रोड बम्बई-400026	—तथैव—
52.	अवर इम्फार्मिक हे रिटेज (भाग-2)	581.00	—तथैव—	—तथैव—
53.	फायर रैसिस्टेंट चैच	367.00	—तथैव—	—तथैव—
54.	आतिकारी गीत-2	536.75	श्री पी. के. शर्मा 16-185 नानक पुरा, नई दिल्ली-110021	—तथैव—
55.	आतिकारी गीत-2	536.75	—तथैव—	—तथैव—
56.	संकट समय नी. गणकाल	586.19	सहायक सूचना निदेशक, गुजरात सरकार, रामनाई शोध लेबोरेट्री लि. 77 डा. एनी वेमेट रोड, बर्ली, बम्बई-400018	गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा "डाकु- मेंट्री" फिल्म के रूप में वर्गीकृत।
57.	सामाचार पत्रिका संख्या 72	293.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24 पैडर रोड, बम्बई-400026	सामान्य प्रदर्शन के लिए स्वी- कृत तथा समाचार तथा सामयिक घटनाओं के रूप में वर्गीकृत
58.	समाचार पत्रिका संख्या 73	298.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग 24 पैडर रोड, बम्बई-400026	सामान्य प्रदर्शन के लिए स्वीकृत तथा समाचार तथा साम- यिक घटनाओं की फिल्म के रूप में वर्गीकृत।
59.	महिमि चित्र संख्या 452	294.13	सहायक सूचना निदेशक, गुजरात सरकार, 77 डा. एनी वेमेट रोड, बर्ली, बम्बई-400018	गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
60.	महाराष्ट्र समाचार संख्या 414	262.00	सूचना और जनसम्पर्क महानिदेशक, महाराष्ट्र सरकार, फिल्म सेक्टर, 68, तारदेव रोड, बम्बई-400034	महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत और समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत
61.	सकनया परछाया	510.00	—तथैव—	सामान्य प्रदर्शन के लिए स्वी- कृत तथा डाकुमेंट्री फिल्म के रूप में वर्गीकृत।

1	2	3	4	5	6
62.	वरदायिनी	300.00	सूचना और जनसम्पर्क महानिदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68 तारदेव रोड, बम्बई-400034		महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा "डाकुमेंट्री" फिल्म के रूप में वर्गीकृत।
63.	ईंडियाज स्ट्रगल फार फ्रीडम कर्नाटकम कंटीक्युशन ग्लोर्डिंग एम्बरस (भाग—2)	470.61	मैसर्स कोमल प्रोडक्शंस, 4/54, मैन रोड, टाटा सिल्क फार्म, बंगलौर-560004		सामान्य प्रदर्शन के लिए स्वीकृत तथा "डाकुमेंट्री" फिल्म के रूप में वर्गीकृत।
64.	कीप थोर सीटी क्लीन फार थोर ओपन सेक	76.02	श्री सुभाष मोनवने, न्यू टाइप 2, बिल्डिंग-3, सेरी कालोनी, दिडोरी रोड, तामिळ-432004	—तथैव—	
65.	प्रिजर्व दिस वैल्य	139.03	—तथैव—	—तथैव—	—तथैव—
66.	खतरे का संकेत	31.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24 पैडर रोड, बम्बई-400026	—तथैव—	—तथैव—
67.	कण्ट दायक यावा (पद्य रूपान्तर)	49.00	—तथैव—	—तथैव—	—तथैव—
68.	खुशियों का आगन (एस. बी.)	31.00	—तथैव—	—तथैव—	—तथैव—
69.	छाता (एस. बी.)	26.00	—तथैव—	—तथैव—	—तथैव—
70.	नेक सलाह (एस. बी.)	49.00	—तथैव—	—तथैव—	—तथैव—
71.	बाप रे बाप (एस. बी.)	33.00	—तथैव—	—तथैव—	—तथैव—
72.	सीधी बात (एस. बी.)	37.00	—तथैव—	—तथैव—	—तथैव—
73.	समाचार पत्रिका संख्या 75	436.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24, पैडर रोड, बम्बई-400026		सामान्य प्रदर्शन के लिए स्वीकृत तथा "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
74.	महिति चित्र संख्या 454	298.70	सहायक सूचना निदेशक, गुजरात सरकार, रामनाथ शोध लेबोरेट्री लि., 77, डा. ऐनी बेसेंट रोड, बम्बई-400018		गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत।
75.	आखरी संदेश	240.50	श्री एम. आर. माण, 4/5 ई. एम. एस्टेट, 291, एस. बी. रोड, बांदरा, बम्बई-400050		सामान्य प्रदर्शन के लिए स्वीकृत तथा "डाकुमेंट्री" फिल्म के रूप में वर्गीकृत।
76.	रहित कृष्ण राव शंकर पंडित	544.68	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24, पैडर रोड, बम्बई-400026	—तथैव—	
77.	दि लिटरेरी स्टोमे	517.24	श्री अलि सरदार जफर, 10, सीता महल, बी. पी. रोड, बम्बई-400016	—तथैव—	
78.	महिति चित्र संख्या 455	298.70	सहायक सूचना निदेशक, गुजरात सरकार, रामनाथ शोध लेबोरेट्री लिमिटेड, 77, डा. ऐनी बेसेंट रोड, बम्बई-400018		गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।

1	2	3	4	5	6
79.	वार्ता तरंगिनी 89	265.24	आंध्र प्रदेश राज्य फिल्म विकास निगम लि., 11-5-423/1, जफर बाग, लकड़ी का पुल, हैदराबाद-4		आंध्र प्रदेश में प्रदर्शन के लिए स्वीकृत तथा "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
80.	वार्ता तरंगिनी	292.92	—तथैव—	—तथैव—	—तथैव—
81.	वायो नैस	241.77	—तथैव—	—तथैव—	आंध्र प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत तथा "डाकु- मेंट्री" फिल्म के रूप में वर्गीकृत।
82.	तेलुगु ग्रामीन क्रांति पाथम	336.80	—तथैव—	—तथैव—	—तथैव—
83.	समाचार पत्रिका संख्या 76	480.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24, पैडर रोड, बम्बई-400026		सामान्य प्रदर्शन के लिए स्वीकृत तथा "समाचार और साम- यिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
84.	बिजली घरों से घरों तक	287.00	सूचना और जनसम्पर्क निदेशक, उत्तर प्रदेश सरकार, लखनऊ		उत्तर प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत तथा "डाकुमेंट्री" के रूप में वर्गीकृत।
85.	महिति चित्र संख्या 456	288.34	सहायक सूचना निदेशक, गुजरात सरकार, रामनार्ड शोध लेबोरेट्री लिमिटेड, 77, डा. ऐनी बेमेट रोड, वर्ली, बम्बई-400018		गुजरात सर्किट में प्रदर्शन के लिए स्वीकृत तथा समाचार और सामयिक घटनाओं की फिल्म के रूप में वर्गीकृत।
86.	मध्य प्रदेश समाचार दर्शन-58	258.00	सूचना और जनसम्पर्क निदेशक, मध्य प्रदेश सरकार, भोपाल।		मध्य प्रदेश सर्किट में प्रदर्शन के लिए स्वीकृत तथा "समा- चार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
87.	मध्य प्रदेश समाचार दर्शन-59	260.00	—तथैव—	—तथैव—	—तथैव—
88.	महाराष्ट्र समाचार संख्या 415	284.00	सूचना और जनसम्पर्क महानिदेशालय, महाराष्ट्र सरकार, फिल्म सेंटर, 68 नारदेव रोड, बम्बई-400034		महाराष्ट्र सर्किट में प्रदर्शन के लिए स्वीकृत तथा "समा- चार और सामयिक घटनाओं" फिल्म के रूप में वर्गीकृत।
89.	समाचार पत्रिका संख्या 77	522.00	मुख्य प्रोड्यूसर, फिल्म प्रभाग, 24, पैडर रोड, बम्बई-4000026		सामान्य प्रदर्शन के लिए स्वी- कृत तथा "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
90.	महिति चित्र संख्या 457	297.18	सहायक सूचना निदेशक, गुजरात सरकार, रामनार्ड शोध लेबोरेट्री लिमिटेड, 77, डा. ऐनी बेमेट रोड, बम्बई-400018		गुजरात में प्रदर्शन के लिए स्वीकृत और "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।
91.	वार्ता तरंगिनी 91	293.90	आंध्र प्रदेश राज्य फिल्म विकास निगम, 11/5-423/1, जफर बाग, लकड़ी का पुल, हैदराबाद-4		आंध्र प्रदेश में प्रदर्शन के लिए स्वीकृत तथा "समाचार और सामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।

1	3	3	4	5	6
92	वार्ता तरंगिनी-93	272.56	आंध्र प्रदेश राज्य फिल्म विकास निगम, 11-5-423/1, तफर बाग, लकड़ी का प्ल, हैदराबाद-4		आंध्र प्रदेश में प्रदर्शन के लिए स्वीकृत तथा "समाचार और गामयिक घटनाओं" की फिल्म के रूप में वर्गीकृत।

[फा. सं. 315/2/86-एफ. (प्रा.)]
टी. एम. नेगी, डैस्क अधिकारी

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 18th November, 1987

ORDER

S. O. 3470.—In pursuance of the directions issued under the provision of each of the enactments specified in the first Schedule to the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 3792 dated 2nd December, 1966 the Central Government after considering recommendations of the Film Advisory Board, Bombay hereby approves the films specified in column 2 of the Schedule annexed hereto in all its/their language versions to be of the description specified against it/each in column 6 of the said Schedule.

SCHEDULE

Sl. No.	Title of the film	Length of the film in metres	Name of the applicant	Name of the Producer	Brief synopsis whether a scientific film or for educational purpose or a film dealing with news & current events or documentary film
1	2	3	4	5	6
1.	Jeevandhara	565.51	M/s. Jagat Murari Productions, 105 Kalapatary, 27/1 B Erandavane, Pune.		Approved for General release and classified as Documentary.
2.	Vastalya Murti Gangaba	499.87	Asstt. Director of Information, Government of Gujarat, Ramnand Research Lab. Ltd., 77 Dr. Annie Besant Road, Bombay-18.		Approved for release in Gujarat circuit, and classified as Documentary
3.	The Free Race	302.67	Shri Mohan Kaul, B 6, Sunder Park, New Link Road, Andheri, Bombay.		Approved for general release and classified as Documentary.
4.	Sikkim-Culture and Progress	458.04	The Chief Producer, Film Division, 24-Peddar Road, Bombay-400 026		Approved for general released and classified as Documentary
5.	Samsaar Aur Parivaar	280.87	Rajdeep, 4, Zeenat, 1st Floor, 57 A Lady Jashethdji Road, Bombay-16.		-do-
6.	Lanjya Saoras	274.32	Dilipdutta, 22/339 Sindharthnagar, Goregaon, Bombay-62	Dilip Dutta Firing Bazar Cuttak-9	-do-

1	2	3	4	5	6
7.	Vartha Tarangini-86	285.06	Andhra Pradesh State Film Development Corporation Ltd., 11-5-423/1, Zafarbagh, Lakdi Ka Pul, Hyderabad-4		Approved for release in Andhra Pradesh Circuit & classified as News & Current Events.
8.	Gandhinagar	499.87	Asstt. Director of Information, Govt. of Gujarat, Ramnord Research Lab., Worli, Bombay-18		Approved for General release and classified as documentary.
9.	Meghdambari	202.00	Director General of Information and Public Relations, Govt. of Maharashtra, Film Center, 68 Tardeo Road, Bombay		Approved for release in Maharashtra Circuit and classified as News & Current Events.
10.	£Maharashtra News No. —11	198.00	-do-	-do-	-do-
11.	Gift	309.37	Shri Soumendu Ray, D-4, Cluster IX, Sector-III, Parbatal Salt Lake City, Calcutta		Approved for general release and classified as Documentary.
12.	Homage to a Sculptor	388.39	Shri Homi Sehtna, 72, Ashoka Apartments, Rungia Lane, Bombay-6		-do-
13.	We the People of India	599.00	The Chief Producer, Films Division, 34-Peddar Road, Bombay-400026		-do-
14.	Prevention (Roktham)	509.00	Vinla Swaminathan, V.S. Enterprises, 11 Ramshyam Nivas, S.D. Temple Road, Mahim, Bombay-400016.		-do-
15.	Mahitichitra No. 446	298.70	Asstt. Director of Information, Government of Gujarat, Ramnord Research Lab., 77 Dr. Annie Besant Road, Worli, Bombay-400018		Approved for release in Gujarat Circuit & classified as News and Current Events.
16.	Purvatha Nigam	504.75	-do-	-do-	Approved for general release and classified as Documentary.
17.	Pahel	487.88	-do-	-do-	Approved for release in Gujarat circuit and classified as Documentary.
18.	Utho Jago	485.00	Shri Moti Sagar, 148 Anil Niwas, Walkeshwar Road, Bombay-400 006.		Approved for general release and classified as Documentary.
19.	Rivers of Kerala	330.00	Shri James Paul, M/s. Singht & Sound, P.B. No. 307, Alleppey, Kerala		Approved for general release and classified as Documentary.
20.	Mazhab	192.32	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026		-do-

1	2	3	4	5	6
21. Uttar Pradesh Samachar 120	292.00	Director of Information & Public Relations, Government of Uttar Pradesh, Lucknow			Approved for release in Uttar Pradesh Circuit and classified as News & Current Events.
22. Mahitichitra 447	298.70	Asstt. Director of Information, Government of Gujarat, Ramnord Research Lab., Ltd., 77 Dr. Annie Besant Road, Bombay-400018			Approved for release in Gujarat Circuit and classified as News & Current Events.
23. Plastic Surgery	286.00	Shri Harishkumar Patel, M/s. S.H. Productions, D/s Nenscy Cottage, Borivali, Bombay			Approved for general release and classified as Documentary.
24. Padmanabhapuram Palace	599.85	Shri V.R. Santosh, M/s. Gokulam Enterprises, House No. 319, Prasanth Nagar, Radhika Ulloor, Medical College, P.O. Trivandrum			Approved for release in Kerala Circuit & classified as Documentary.
25. Ladka Ya Ladki	110.03	Shri V.N. Menon, Khare Sadan, Bhahminwadi, Patankar Marg, Kurla, Bombay-70			Approved for release in Maharashtra Circuit and classified as Documentary.
26. Goa—A Jewel of India	300.00	Shri J.S. Bandekar, M-17 Ambedkar Nagar, Parel Tank Road, Bombay-12			Approved for general release and classified as Documentary.
27. Be Immortal	293.83	Shri G.S. Bhat, 3/2 Lokmanya Tilak Road, No. 1 Goregaon, Bombay-62.			-do-
28. Mahitichitra No. 448	289.56	Asstt. Director of Information, Government of Gujarat, Ramnord Research Lab., 77-Dr. Annie Besant Road, Bombay-18			Approved for release in Gujarat Circuit and classified as News and Current Events.
29. Maharashtra News No. 412	291.00	Director General of Information and Public Relations, Government of Maharashtra, Film Center, 68 Tardeo Road, Bombay-34			Approved for release in Maharashtra Circuit and classified as news and Current Events.
30. Roots of Democracy Part I	491.33	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026			Approved for general release and classified as Documentary.
31. News Magazine No. 70	502.00	-do-	-do-		Approved for general release and classified as News and Current Events.
32. Swami Haridas	515.05	The Director of Information & Public Relations, Government of Uttar Pradesh, Lucknow			Approved for general release and classified as Documentary.

33. Raupya Mahosatvi Maharashtra	282.00	Director General of Information and Public Relations, Government of Maharashtra, Film Centre, 68 Tardeo Road, Bombay-34	Approved for release in Maha- rashtra Circuit and classified as Documentary.
34. Roots of Democracy Part II	427.63	The Chief Producer, Film Division, 24-Peddar Road, Bombay-400 026	Approved for general release and classified as Documentary.
35. Uttar Pradesh Samachar 121	295.66	Director of Information and Public Relations, Government of Uttar Pradesh, Lucknow]	Approved for release in Uttar Pradesh Circuit and classified as Documentary.]
36. Gosht Ka Tabgar Gavachi	297.00	Director General of Informa- tion and Public Relations, Government of Maharashtra, Film Centre, 68 Tardeo Road, Bombay-34	Approved for general release in Maharashtra Circuit and cla- ssified as Documentary.
37. High Adventure on White Waters (S.V.) Indo-US Uttar Ganga Expedition, 1984	595.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400 026.	Approved [for general release and classified as Documentary.
38. Through A Differ- ent Lens	605.74	M/s. Krishnaswamy, Associates Pvt. Ltd., 11 Mahatma Gandhi Road, Shastri Nagar, Madras-600 041	-do-
39. Food & Nutrition for the People	291.60	Candida Films, 19A, Shakespear Sarani, Calcutta-700 071	-do-
40. Swargam Mee Chetilo Undi	502.92	Andhra Pradesh State Film Development Corpora- tion Limited, 11-5-423/1, Zafarbagh, Lakdi-Ka-Pul, Hyderabad-500 004	Approved for release in Andhra Pradesh Circuit and classified as Documentary.
41. Filmotsav 86	550.30	-do-	-do-
42. News Magazine 71	300.00	The Chief Producer, Film Division, 24-Peddar Road, Bombay-400 026	Approved for general release and classified as News and Current Events.
43. Meningitis	182.00	-do-	-do-
44. Mahitichitra 450	259.08	Asstt. Dir. of Information, Govt. of Gujarat, Ramnord Research Lab. Ltd., 77-Dr. Annie Besant Road, Worli, Bombay-34	Director of Information Sachivalayas Block 7, Gandhinagar
45. Punarjanma	100.00	Director General of Informa- tion & Public Relations, Government of Maharashtra, Film Center, 68 Tardeo Road, Bombay-400 034	Approved for release in Maha- rashtra Circuit and classified as Documentary.
46. Avasar	94.00	-do-	-do-

1	2	3	4	5	6
47. What went wrong?	341.38	M/s Shakil Productions, Ashraf Studios, Opp. Mahim Railway Station, Mahim, Bombay-400 016			Approved for general release and classified as Documentary.
48. Swasth Sab Ke Liye	285.60	The Director of Information & Public Relations Government of Uttar Pradesh, Lucknow.			Approved for release in UP certi- ficate under documentary classification.
49. Akha Bachcha Aisa To Nahin	131.00	Shri Kumbhesh Srivastava, Shree 913, Sector VII, CGS Colony, Bombay-37.			Approved for general release and classified as Documentary.
50. Chetavani	147.80	Shri U.S. Karkera, C/o M.B. Banger, 246/11B MHB Colony Near Vakola Bridge, Bombay-56.			Approved for general release and classified as Documentary.
51. Who Are We ?	194.00	The Chief Producer, Films Division 24-Peddar Road, Bombay-400026.			-do-
52. Our Islamic Heritage (Part II)	581.00	-do-	-do-		-do-
53. Fire Resistant Thatch	367.00	-do-	-do-		-do-
54. Kranti Kari Geet-1	548.46	Shri P.K. Sharma, 16-185 Nanak Pura, New Delhi-110021			-do-
55. Kranti Kari Geet-II	536.75	-do-	-do-		-do-
56. Sankat Samay Ni Sankal	596.19	Assistant Director of Information, Government of Gujarat, Ramnord Research Lab., Ltd., 77-Dr. Annie Besant Road, Worli, Bombay-400018.			Approved for release in Gujarat circuit and classified as Docu- mentary
57. News Magazine No. 72	293.00	The Chief Producer Films Division 24-Peddar Road, Bombay-400026			Approved for general release and classified as News & Current Events.
58. News Magazine No. 73	298.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026.			Approved for general release & classified as News and Current Events.
59. Mahitichitra No. 452	294.13	Asstt. Director of Information, Government of Gujarat, 77-Dr. Annie Besant Road, Worli, Bombay-400018.			Approved for release in Gujarat circuit and classified as News and Current Events.
60. Maharashtra News No. 414	262.00	Director General of Information & Public Relations, Government of Maharashtra, Films Centre, 68-Tardeo Road, Bombay-400034.			Approved for release in Maharashtra circuit and classi- fied as News and Current Events.
61. Savalya/Parchhayan	510.00	-do-	-do-		Approved for general release and classified as Documen- tary.

1	2	3	4	5	6
62. Vardayini	300.00	Director General of Information and Public Relations, Government of Maharashtra, Films Center 68 Tardeo Road, Bombay-400034.			Approved for release in Maharashtra circuit and classified as Documentary
63. India's Struggle for freedom Karnataka's Contribution Glowing Embers (Part-II)	470.61	M/s. Komal Productions 4/541 Main Road, Tata Silk Farm Bangalore-560004			Approved for general release and classified as Documentary
64. Keep Your City Clean for your own sake	76.02	Shri Subhash Sonawane New Type II, Bldg. rII, Mery Colony, Dindori Road Nasik-422004.			-do-
65. Preserve this Wealth	139.03	-do-	-do-		-do-
66. Khatre Ka Sankat	31.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026.	-do-		-do-
67. Kast Dayak Yatra, (Shorter version)	49.00	-do-	-do-		-do-
68. Khushio Ka Angan (S.V.)	31.00	-do-	-do-		-do-
69. Chhata (SV)	26.00	-do-	-do-		-do-
70. Nek Salah (SV)	49.00	-do-	-do-		-do-
71. Bap Re Bap (SV)	33.00	-do-	-do-		-do-
72. Seedhi Baat (SV)	37.00	-do-	-do-		-do-
73. News Magazine No. 75	436.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay.			Approved for general release and classified as News and Current Events.
74. Mahitichitra No. 454	298.70	Assistant Director of Information Government of Gujarat Ramnord Research Lab. Ltd., 77, Dr. Annie Besant Road, Bombay-400018.			Approved for release in Gujarat circuit and classified as News and current Events.
75. Aakhri Sandesh	240.50	Shri S.R. Saaz, 4/5 E.M. Estate, 291, S.V. Road, Bandra Bombay-400050.			Approved for general release and classified as Documentary.
76. Pandit Krishnarao Shankar Pandit	544.68	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026.			-do-
77. The literary storm	517.24	Shri Ali Sardar Jafar 10, Seeta Mahal, BP Road Bombay-400016.			-do-
78. Mahitichitra No. 455	298.70	Assistant Director of Information, Government of Gujarat, Ramnord Research Lab Limited, 77 Dr. Annie Besant Road, Worli, Bombay-400018.			Approved for release in Gujarat circuit and classified as News and Current Events.
79. Vartha Tharangini-89	265.24	Andhra Pradesh State Film Development Corporation Limited, 11-5-423/1 Zafarbagh Lakdi-Ka-Pul, Hyderabad-4.			Approved for release in Andhra Pradesh and classified as News and Current Events.

1	2	3	4	5	6
80. Vartha Tharangini-90	292.92	-do-	-do-	Approved for release in Andhra Pradesh circuit and classified as Documentary	
81. Bio-gas	241.77	-do-	-do-	-do-	
82. Telugu Grammeena Kranti Padham	336.80	-do-	-do-	-do-	
83. News Magazine No. 76	480.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026.		Approved for general release and classified as "News and Current Events."	
84. Bijlee Gharon Se Gharon Tak	287.00	The Director of Information & Public Relations, Government of Uttar Pradesh Lucknow.		Approved for release in Uttar Pradesh circuit Documentary.	
85. Mahitichitra No. 456	288.34	Assistant Director of Information, Government of Gujarat, Ramnord Research Lab Limited 77-Dr. Annie Besant Road, Worli, Bombay-400018.		Approved for release in Gujarat circuit and classified as News and Current Events.	
86. M.P. Samachar Darshan 58	258.00	The Director of Information and Public Relations, Government of Madhya Pradesh, Bhopal		Approved for release in Madhya Pradesh circuit and classified as News and Current Events.	
87. M.P. Samachar Darshan 59	260.00	-do-	-do-	-do-	
88. Maharashtra News No. 415	284.00	Director General of Information and Public Relations, Government of Maharashtra, Film Center, 68 Tardeo Road, Bombay-400034		Approved for release in Maharashtra circuit and classified as "News and Current Events."	
89. News Magazine No. 77	522.00	The Chief Producer, Films Division, 24-Peddar Road, Bombay-400026.		Approved for general release and classified as News and Current Events.	
90. Mahitichitra No. 457	297.18	Assistant Director of Information, Government of Gujarat, Ramnord Research Lab Limited Worli, Bombay-400018.		Approved for release in Gujarat and classified as News and Current Events.	
91. Vartha Tarangini-91	293.60	Andhra Pradesh State Film Development Corporation Ltd., 11-5-423/1 Zafar Bagh, Lakdi-Ka-Pul, Hyderabad-4.		Approved for release in Andhra Pradesh and classified as News and Current Events.	
92. Vartha Tarangini-93	272.56	-do-	-do-	-do-	

[File No. 315/2/86-F(P)]
T.S. NEGI, Desk Officer

नई दिल्ली, 2 दिसम्बर, 1987

का. भा. 3471.—दिनांक 23 जुलाई, 1986 के भारत के राजपत्र, असाधारण भाग-II-खण्ड 3, उप-खण्ड (ii) में प्रकाशित दिनांक 23 जुलाई, 1986 के का. आ. 435 (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सचिव, भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय एतद्वारा तेल एवं प्राकृतिक गैस आयोग के भूप महाप्रबंधक (तकनीकी) श्री ए. के गुप्ता के स्थान पर तेल एवं प्राकृतिक गैस आयोग के महाप्रबंधक (लाजिस्टिक्स) श्री बी. के. आहुजा को दिनांक 18 जुलाई, 1986 के भारत के राजपत्र के भाग-II-खण्ड-3-उप खण्ड

(ii) में यथा प्रकाशित दिनांक 18 जुलाई, 1986 के का. आ. 429(ङ) में अधिसूचित निविष्ट क्षेत्रों के अन्दर जहाजों के प्रवेश करने के लिए प्राधिकृत करने हेतु सक्षम अधिकारी के रूप में काम करने के लिए अधिसूचित करते हैं।

निविष्ट क्षेत्रों में प्रवेश करने की अनुमति मांगने वाले जहाजों को वह कार्य निविष्ट करना होगा जो उनके द्वारा किया जाना है।

यह राजपत्र में प्रकाशित होने की तारीख को प्रवृत्त होगा।

[सं० ओ०-11026/3/81-ओ एन जी/डी ओ० I]

सी. बी. भा. वे. उप सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 2nd December, 1987

S.O. 3471.—In exercise of the powers conferred by S.O. 435(E), dated 23rd July, 1986 published in the Gazette of India, Extraordinary, Part-II Section 3—Sub-section (ii) dated 23rd July, 1986, the Secretary to the Government of India in the Ministry of Petroleum & Natural Gas hereby notifies Shri V. K. Ahuja, General Manager (Logistics) of the Oil & Natural Gas Commission in place of Shri A. K. Gupta, Group General Manager, Oil & Natural Gas Commission to act as the competent authority to authorise entry of ships within the designated areas notified in SO-429(E) dated 18th July, 1986, as published in the Gazette of India, Part-II—Section 3—Sub-section (ii) dated 18th July, 1986.

The ships seeking permission to enter the designated areas will have to specify the task to be performed by them.

This takes effect from the date of publication in the official gazette.

[No. O-11026/3/81-ONG/DO. I]

C. B. BHAVE, Dy. Secy.

नई दिल्ली, 7 दिसम्बर, 1987

का.आ. 3472—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा (2) के खण्ड (क) के अनुसरण में और भारत सरकार पेट्रोलियम मंत्रालय की दिनांक 10 जनवरी, 1980 की अधिसूचना का.आ. 187 तथा दिनांक 28 मार्च, 1981 की अधिसूचना संख्या का.आ. 1230 का.आ. 1273 दिनांक 4 अप्रैल, 1984 का अतिक्रमण करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम (1) में दिये गये प्राधिकारी को कथित अधिनियम अधीन अनुसूची के कालम (2) में प्रविष्टि के अनुरूप लिखित क्षेत्रों के अन्दर सक्षम प्राधिकारी के कार्य करने के लिये प्राधिकृत करती है।

अनुसूची

प्राधिकारी और पता	क्षेत्राधिकार
1	2
श्री एस. पी. साहनी, पाइपलाइन इंजीनियर द्वारा इंडियन आयल कारपोरेशन लिमिटेड (रिफाइनरीज तथा पाइपलाइन प्रभाग) मथुरा-जालन्धर उत्पाद पाइपलाइन, विल्ली टर्मिनल काम्प्लेक्स, नजफगढ़ रोड, बिजवासन, नई दिल्ली-110061	उत्तर प्रदेश, हरियाणा, पंजाब राज्य और संघ शासित क्षेत्र दिल्ली

[फा.सं. 25023/72/87-ओ०आर-I]

ओ०पी० अग्रवाल, अवर सचिव

New Delhi, 7th December, 1987

S.O. 3472. —In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notifications of the Government of India in the Ministry of Petroleum S.O. No. 187 dated the 10th January, 1980 and S.O. No. 1230 dt. the 28th March, 1981 and S.O. No. 1273 dt. 4th April, 1984 the Central Government

hereby authorises the authority mentioned in Column 1 of the schedule below to perform the functions of the Competent Authority under the said Act, within the areas mentioned in the corresponding entry in column 2 of the said Schedule.

SCHEDULE

Authority and Address	Areas
Shri S. P. Sawhney, Pipeline Engineer, C/o Indian Oil Corporation Limited, (Refineries and Pipelines Division) Mathura Jalandhar Product Pipeline, Delhi Terminal Station Complex, Najafgarh Road, Bijwasan, New Delhi-110 061.	State of U.P., Haryana, Punjab and Union Territory of Delhi.

[File No. 025023/72/87-OR-I]

O. P. AGGARWAL, Under Secy.

नई दिल्ली, 7 दिसम्बर 1987

का. आ. 3473—पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की दिनांक 11-1-1984 की अधिसूचना सं. का.आ. 279 का अतिक्रमण करते हुए केन्द्रीय सरकार एतद्वारा नीचे दी गई अनुसूची के कालम 1 दिए गए प्राधिकारी को कथित अधिनियम के अधीन अनुसूची के कालम 2 में प्रविष्टि के अनुरूप लिखित क्षेत्रों के अन्दर सक्षम प्राधिकारी के कार्य करने के लिए प्राधिकृत करती है।

अनुसूची

प्राधिकारी और पता	क्षेत्राधिकार
श्री डी० बनर्जी वरिष्ठ पाइपलाइन इंजीनियर इंडियन आयल कारपोरेशन लिमिटेड हल्दिया-मौरीग्राम-राजबंद-बाराउनी पाइपलाइन शाखाना घुलिया अम्बुल मौरी मौरीग्राम जिला : हावड़ा-711302	पश्चिमी बंगाल

[फा. सं. 25023/72/87-ओ०आर-I]

पुष्पेन्द्र राय, उप सचिव

New Delhi the 7th December, 1987

S.O.3473:—In pursuance of Clause (a) of section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notification of the Government of India Ministry of Petroleum & Natural Gas S.O. No. 279 dated 11-1-1984, the Central Government hereby authorises the authority mentioned in Column 1 of the schedule below to perform the functions of the Competent Authority under the said Act, within the areas mentioned in the corresponding entry in column 2 of the said schedule.

SCHEDULE

Authority and Address	Areas
Shri D. Banerjee, Sr. Pipeline Engineer Indian Oil Corporation Ltd., Haldia-Mourigram-Rajband-Barauni Pipeline P.O. Dollya-Andul-Mour Mourigram Dist. Howrah-711302	West Bengal

[F.No. 25023/72/87-OR-I]

PUSHPENDRA RAI, Dy. Secy

धन संश्लेष

नई दिल्ली 24 नवम्बर, 1987

का. प्र. 3474.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, ओरिएन्ट एब्रेसिव्स लिमिटेड के प्रबन्धतंत्र से संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अहमदाबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-87 को प्राप्त हुआ था।

MINISTRY OF LABOUR

New Delhi, the 24th November, 1987

S.O. 3474.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Orient Abrasives Ltd. and their workmen, which was received by the Central Government on the 20th November, 1987.

BEFORE SHRI N. A. CHAUHAN, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

AT AHMEDABAD.

Reference (ITC) No. 44 of 1987

ADJUDICATION

BETWEEN

M/s. Orient Abrasive Ltd. Station Road, Jam Kham-
baliya, Distt. Jamnagar ... First party

AND

The Workmen employed under it.

... Second party

In the matter whether the action of the management of M/s. Orient Abrasive Ltd., Jam-Khambhaliya Distt Jamnagar in not accepting the demand of the union contained in their charter pertaining to No. 1 Wage increase, 2 D.A. 3. Provn. of Rain Coat 4. Woollen Jersey, 5. Provn. of working condition Allowance 6. Washing Allowance 7. Leave 8. Medical Facilities and Provn. of I.R. is justified? If not, then what other relief on each of the demand is entitled?

APPEARANCES :

Shri D. C. Gandhi for the first party, General Secretary, Gujarat State Mines Workers Union for the second party, but absent.

STATE : Gujarat

INDUSTRY : Jamnagar

AWARD

This reference u/s. 10(1)(d) read with Section 10(2A) of the Industrial Disputes Act, 1947, has been referred on behalf of the Central Government by the Desk Officer, Ministry of Labour, New Delhi vide his Order No. L-29011/31/86-D. III(B)/D. III(A) dtd. July, 1987, for deciding the industrial dispute between the parties—mentioned below:

“Whether the action of the management of M/s Orient Abrasive Ltd. Jam-Khambhaliya Distt Jamnagar in not accepting the demand of the union contained in their charter pertaining to No. 1 Wage increase, 2 D.A. 3. Provn. of Rain Coat 4. Woollen Jersey, 5. Provn. of working condition Allowance 5. Washing Allowance 7. Leave 8. Medical Facilities and Provn. of I.R. is justified? If not, then what other relief on each of the demand is entitled?”

2. The order of reference mentioned that the parties were informed about the reference made to this Tribunal and the second party was directed to file the statement of claim before this Tribunal within 15 days from the date of receipt of his order of reference dated 14-8-1987, but no statement of claim was filed by the second party. This Tribunal, however, served with a notice as per Ex. 2 to the parties to appear before this Tribunal and called upon the second party to file the statement of claim latest by 29-9-87. Eventhough, this notice was served to both the parties on or about 10-9-1987 the second party at whose instance this reference was made has not preferred to appear before this Tribunal. The first party appeared through their Advocate, Shri D. C. Gandhi. The second party was required to file the statement of claim. In absence of any statement of claim filed by the second party, it is not possible for this Tribunal to decide whether the demand is just or not? It is pertinent to note that from the order of reference, it is not possible to know as to what are the demands of the second party. It appears that the second party, at whose instance this reference was made, is not interested to proceed with the demands and, therefore, this reference requires to be disposed of accordingly for want of prosecution by the second party and hence the following order :

ORDER

This reference stands disposed of for want of prosecution by the second party at whose instance this reference was made. In the result, no order is passed as regards the costs of this reference.

S/d. G. J. DAVE.

Secretary

Ahmedabad, 19th October, 1987.

N. A. CHAUHAN, Presiding Officer

[No. L-29011/31/86-D. III(B)]

नई दिल्ली, 25 नवम्बर, 1987

का. प्र. 3475 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, केरला मिनेल्स एंड मेटल्स लि. क्यूलोन के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अलेप्पी के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-87 को प्राप्त हुआ था।

New Delhi, the 25th November, 1987

S.O. 3475.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Alleppey, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kerala Minerals and Metals Limited Quilon and their workmen, which was received by the Central Government on the 23rd November, 1987.

IN THE COURT OF THE INDUSTRIAL TRIBUNAL,

ALLEPPEY

(Dated the 2nd day of November, 1987)

Industrial Dispute No. 13/87

BETWEEN

The Managing Director, Kerala Minerals and Metals
Ltd., P.B. No. : 30, Quilon—691001, Kerala State.

AND

E. Aboobaker, Edappana Veedu, Near Post Office,
Mekkadu, Chavara P.O. Quilon District, Kerala
State.

Representations—

M/s. U. K. Ramakrishnan,
E. K. Madhavan and
T. K. Jayaram,
Advocates, Cochin-16.

For Management.

M/s. K. P. M. Sheriff &
K. P. Mehaboob Sheriff,
Advocates, Alleppy.

For Workman.

AWARD

This industrial dispute was initially referred to the Industrial Tribunal, Madras by order No. L-29012/14/82-D.III(B) of the Government of India for adjudication. During the pendency of the dispute there, in the exercise of powers vested in the appropriate Government under Sec. 33(B) of the Industrial Disputes Act, this dispute was transferred to this Tribunal by an order dated 12-1-1987.

2. The issue referred for adjudication is :

"Whether the action of the management of Kerala Minerals & Metals Ltd., Quilon in dismissing Sri E. Aboobaker, Clerical Attender from service with effect from 10-3-1981 vide their order dt : 10-3-81 is justified ? If not, to what relief the workman concerned is entitled to".

3. Even before the transfer of this dispute to this Tribunal for adjudication, both parties filed their statements and the documents in support of their pleadings. After the transfer of the dispute, the Enquiry Officer and the Workman concerned were also examined for the purpose of deciding the preliminary issue regarding the validity of the enquiry.

4. After the completion of the evidence on the preliminary issue, this Tribunal made a probe regarding the chance for settling the dispute between the parties. At the suggestion of this Tribunal, mutual discussions were made by the parties again and ultimately they had agreed to settle the dispute. On 5-10-1987 when this dispute was called, a compromise petition which was duly signed by management, workman and the counsel appearing on behalf of them was also filed. The relevant terms of the compromise are extracted hereunder:—

A. The Management has agreed to pay a sum of Rs. 45,000 (Rupees Forty five thousand only) within one month from today to the workman in full and final settlement of all his claims including gratuity and provident fund against the management and the workman has accepted the same. In view of this, the workman has no claims either under the agreement dated 1-2-1980 executed between the workman and the management and under the terms and conditions of the canteen tender No. : A4/3809/79 dated 23-1-1980 issued by the management or otherwise against the management.

B. Since the amount of Rs. 45,000 referred in Clause 'A' herein above also consists of the employer's provident fund contribution in respect of the workman in the Kerala Minerals and Metals Employees' Provident Fund Trust, the management is entitled to recover the employer's provident fund contribution available in the Kerala Minerals and Metals Employees' Provident Fund Trust in the name of the workman and it can be appropriated by the management as their property.

C. The amount of Rs. 45,000 referred in Clause 'A' herein above has been arrived at after adjusting all the amounts due from the workman to the management also. It is agreed that nothing is due from the workman to the management. It is also agreed that the workman has no claim whatsoever either monetary or otherwise against the management.

D. Since there is no dispute of any kind existing between the workman and the management in view of this settlement, it is not necessary to adjudicate the above industrial dispute.

As agreed in the settlement, the management paid the amount of Rs. 45,000 by demand draft dated 27-10-1987 in the open Court on 2-11-1987.

By recording the terms of settlement an award is passed.

K. KANAKACHANDRAN, Industrial

[No. L-29012/14/82-D.III(B)]

V. K. SHARMA, Desk Officer

नई दिल्ली, 30 नवम्बर, 1987

का. आ. 3476.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स वेस्टर्न कोलफील्ड्स लिमिटेड के उप क्षेत्र संख्या I. वर्धा बेल्ती एरिया के उप क्षेत्रीय प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

New Delhi, the 30th November, 1987

S.O. 3476.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sub Area Manager, Sub Art. No. 1, Wardha Valley Area, M/s. Western Coalfields Limited, and their workmen, which was received by the Central Government on 24-11-1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R) (46)/1985.

PARTIES :

Employers in relation to the management of Sub-Area Manager, Sub-Area No. 1, Wardha Valley Area, M/s. W.C. Ltd. Post Office Shivji Nagar, District Chandrapur (M.S.) and their workman, Shri Ashok Gangaram Parkhi, Village Potala, New Majri Colliery, Post Office Shivjinagar, District Chandrapur (M.P.).

APPEARANCES :

For Workman—Shri S.S. Pendre.
For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining

DISTRICT : Chandrapur (M.P.)

AWARD

Dated : 17-11-1987.

By Notification No. 22012(20)/84-D.III(B)/D.V. dated 6th June, 1985 the following dispute was referred to this Tribunal, for adjudication, by the Central Government :—

"Whether the action in terminating the services w.e.f. 5-10-83 of the workman Sh. Ashok Gangaram Parkhi by the Sub-Area Manager, Sub-Area No. 1, Wardha Valley Area, M/s Western Coalfields Ltd., P.O. Shivaji Nagar, Distt. Chandrapur (MS) is justified ? If not, to what relief the said workman is entitled?"

2. Non-controversial facts of the case are that Shri A. G. Parkhi was working as a Mazdoor in the Maintenance and repairing of buildings and roads in the civil Department, as a casual employee. Shri Parkhi worked with the management from June 1982 to 5th October, 1983.

3. The workman's case further is that the management terminated his services from the said date without issuing any termination order so that he may not complete 240 days of attendance though his service was un-interrupted and though he has gained experience of the work, yet new persons have been employed in his place and refused him work because he had claimed the wages @ Cat. I General Mazdoor as per NCWA II, therefore management got annoyed. The nature of work i.e. construction work done by the workman is a continuous nature of work and as such is a work of permanent nature. Workman had worked for more than a year and he has not been provided with terminal benefits such as retrenchment compensation etc.

4. The case of the management is that the wages as per NCWA applicable to the workers of the mine. The workman was working in the Civil Engineering Department which is not a coal industry. The workman was not sponsored through the Employment Exchange as per rules and regulation. Management had terminated the services of the workman as there was surplus man power. The Central Government was not the appropriate authority to make this reference. In fact, there was no termination as alleged. He himself stopped reporting on duty after 9th October, 1983.

5. The point for consideration before me are whether the termination is justified, if not, to what relief the workman is entitled?

6. On behalf of the management, it has been contended that admittedly the workman has not completed 240 days continuous service. Management was therefore not bound to comply with the provision of Sec. 25F of the I.D. Act. In this connection, it is pertinent to note that admittedly the workman had worked (it is not specially denied by the Government therefore they are deemed to have admitted) The workman had worked with the management from June 1982 to 5th October, 1983. This fact is also admitted by the management. Witness Shri T. K. Biswas (M.W.1) stated that he worked as casual mazdoor in the maintenance work with them from June 1982 to October 1983. According to him in October, 1983 casual work was stopped for 2-3 months, thereafter the workman did not turn up to seek employment. From June 1982 to October 1983 is the work for more than a year, therefore the first condition is fulfilled that the workman had worked for more than 12 calendar months preceding his termination for the purpose of Sec. 25B of the I.D. Act.

7. Next question arises whether his services for the said period was continuous. Now it is well settled that continuous service mean "all uninterrupted service" and interrupted service on account of the following reasons:—

(a) sickness, unauthorised leave explained, strike which is not illegal, a lock-out and cessation of work i.e. not due to any fault on the part of the workman, shall be included in continuous service.

8. In the instant case, the plea of the workman is that from 5th October, 1983 the management discontinued him from work without anything in writing. In this regard, witness of the management Shri T. K. Biswas has admitted in his cross-examination that the workman was doing the work of permanent nature and in fact they had refused the work to the casual workers including the workman, Shri Ashok Gangaram orally. He has admitted that it is true that one Shri Ram Chand Bobde is still working with them though he is doing the work of loading only. This proves that the cessation of work of the present workman was not due to any fault on his part but he was discontinued from work because the casual work was stopped by the management itself. It is true that the workman has admitted that in some months he worked for less than a month, but his witness Shri Kundeyia Misry has stated that in some months he worked for more than 20 days and sometimes less than week. But this does not to my mind render his service interrupted because as I have already pointed out that the interruption or cessation was cause on the part of the management and not by the workman himself. In this regard law has been elaborated by Desai J. in the case of Mohan Lal Vs. Management of Bharat Electronics Ltd. (1981 LIC 806) wherein it has been laid down:—

'Sub-section (2) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted

ted service for a period of one year but he has rendered service for a period of 240 days during period of 12 calendar months counting backward and just preceding the relevant date being the date of retrenchment. In other words, in order to in the fiction enacted in Sub-section 2(a), it is necessary to determine first the relevant date i.e. the date of termination of service which is complained of 'retrenchment'. After that date is ascertained, it is backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. These three facts are affirmatively answered in favour of the workman, pursuant to the deeming fiction enacted in sub-section 2(a), it will have to be assumed that the workman is in "continuous service for a period of one year", and he will satisfy the eligibility qualification enacted in Sec. 25F

Thus it is crystal clear that by the use of fiction laid down in Sec. 25B of the I.D. Act the workman will be deemed to have had continuous service for a period of 12 calendar months preceding the date on which his services were terminated.

9. Admittedly, in the instant case management has not complied with the provision of Sec. 25F of the I.D. Act. Therefore his termination will amount to retrenchment within meaning of Sec. 2(oo) of the I.D. Act as has been laid down in the case of Mohan Lal Vs. Management of M/s Bharat Electronics Ltd. (AIR 1981 SC 1263) :—

"Niceties, and semantics apart, termination by the employer of the service of a workman for any reason whatsoever would constitute retrenchment except cases in the section itself."

10. For the reason discussed above, I am of the opinion that the termination of the workman was illegal and justified and he was not re-employed on flimsy grounds therefore, answer the reference as under :—

That the action in terminating the services with effect from 5-10-1983 of the workman, Sh. A. Gangaram Parkhi by the Sub-Area Manager, Area No. 1, Wardha Valley Area, M/s West Coalfields Ltd., P. O. Shivji Nagar, District Chhapur (MS) is illegal and unjustified. He is, therefore, entitled to be re-employed on the same wages and all ancillary reliefs with effect from October, 1983. He is further entitled to be regularised after he has completed 240 days with full wages & allowances as admissible to a regular employee of his category. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-22012/20/84-D.III]

नई दिल्ली, 2 दिसम्बर, 1987

का. आ. 3477.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण केन्द्रीय सरकार, खेतड़ी कॉपर कॉम्प्लेक्स, खेतड़ी नगर प्रबंधन से सम्बद्ध निरोजकों और उनके कर्मचारों के बीच अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकार जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

New Delhi, the 2nd December, 1987

S.O. 3477.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Jaipur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management Khetri Copper Complex, Khetri Nagar and their workmen which was received by the Central Government on the 24th November, 1987.

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Case No. CIT-47/84

REFERENCE :

Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L-43012/11/83-D.III (B) dated 6th May, 1984.

In the matter of an Industrial Dispute :

BETWEEN

Shri Makhanlal Meena represented by Rashtriya Tamba Project Mazdoor Union, Khetri Nagar.

AND

Khetri Copper Complex, Khetri Nagar.

PRESENT :

Shri J. P. Bansal, RAMJS.

For the Union—Shri J. K. Agarwal.

For the Management—

Date of Award

5th March, 1987

AWARD

The Under Secretary, Government of India, Ministry of Labour and Rehabilitation, New Delhi has referred the following dispute for adjudication to this Tribunal u/s 10(1) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Khetri Copper Complex, Khetri Nagar in striking off the name of Shri Makhanlal Meena Driver operator, from their rolls with effect from 27-7-82 is justified? If not, what relief is the workman concerned entitled to?"

2. After the receipt of the reference in this Tribunal no statement of claim was filed by the Union. It appears that there remains no dispute between the parties.

3. In the circumstances detailed above, a no dispute award is passed in the case which may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-43012/11/83-D.III (B)]

का. आ. 3478.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, रैमर्स आणा ट्रांसपोर्ट कम्पनी, सवाई माधोपुर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3478.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Asha Transport Sawaimadhopur and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JAIPUR

Case No. CIT-5/1985

No Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L-29012/56/84-D.III (B) dated 31st December, 1984.

In the matter of an Industrial Dispute :

BETWEEN

Shri Sukhjiram represented by Bhartiya Khan Yatayat Karamchuri Sangh, Phalodi.

AND

M/s. Asha Transport Co., Loading and Transport Contractors in Phalodi Quarry of M/s. Jaipur Udyog Ltd., Swaimadhopur.

PRESENT :

Shri J. P. Bansal, RMJS.

For the applicant—Shri F. Khan.

Sukhjiram (Self)

For the Management—Shri Harish Dutt.

Date of Award

8 May 1987

AWARD

The Under Secretary to the Government of India, Ministry of Labour, New Delhi vide his above quoted reference has referred the following dispute to this Tribunal for adjudication u/s 10(1) of the I. D. Act 1947 :

"Whether the action of the management of Messrs Asha Transport Co., Loading and Transport Contractors in Phalodi Quarry of Messrs Jaipur Udyog Ltd., Swaimadhopur in terminating the services of Shri Sukhjiram, Driver w.e.f. 7-8-83 is legal and justified?"

2. After the receipt of the reference in this Tribunal, statement of claim has been filed by the Union and the reply thereto by the management as well. The case was fixed for producing the documents today. Today Shri Sukhjiram, workman himself and Shri Harish Dutt, Manager of the opposite party are present. They have produced a settlement before the Court requesting that there remains no dispute between the parties. Hence a no dispute award be passed in the case.

3. In the circumstances detailed above, a no dispute award is passed in the case. It may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-29012/56/84-D.III (B)]

नई दिल्ली, 3 दिसम्बर, 1987

का. आ. 3479.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, कुद्रेमुख आयरन ओर कम्पनी लिमिटेड, बंगलूर के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बंगलूर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

New Delhi, the 3rd December, 1987

S.O. 3479.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kudremukh Iron Ore Co. Ltd., Bangalore and their workmen, which was received by the Central Government on the 24-11-1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT BANGALORE

Dated, 18th day of November, 1987

Sri B. N. Laige, B.A. (Hons.) LL.B. Presiding Officer.

Central Reference No. 6/87

Old Central Reference No. 6/82

FIRST PARTY :

Sri G. F. Aseervatham, workman of Kudremukh, Iron
Ore Company Ltd., Bangalore, No. A-100, KIOCL,
Town Ship, Kavar post Mangalore-1.

V/s.

SECOND PARTY :

The Chairman and Managing Director, Kudremukh Iron
Ore Co. Ltd, II Block, Koramangala, Bangalore-34.

APPEARANCES :

For the first party—Sri D. Teela Krishnan, Advocate.

For the second party—Sri K. Kasturi, Advocate.

AWARD

The Government of India, Ministry of Labour by its Order No. L-26012/9/81-D.III (B) dated 3-8-1982, made the present reference on the following point of dispute to the State Government Industrial Tribunal.

2. By a General Order No. 1-11025/A/87 D-IV(B) dated 13-2-1987, the present dispute was transferred to this Tribunal and it is shown at Sl. No. 7.

POINT OF DISPUTE

"Whether the action of the management of Kudremukh Iron Ore Company Limited, Bangalore in dismissing the services of Shri G. F. Aseervatham, Junior Mechanic Post Facilities Division with effect from 14th March 1981 is justified? If not, to what relief is the workman concerned entitled?"

3. Thereupon the first party workman has filed his claim statement and his contentions in brief are as follows : He joined the second party on 5-6-1978 as a Junior Mechanic Grade II. His service was unblemished. He took active part in organising the Mineral Mines Union. In October, 1980 he organised Kudremukh employees Union. The management did not like his activities. On 5-11-1980 the superintendent (port facilities) served a charge sheet dated 4-11-1980. A copy of the same is enclosed. He was kept under suspension. He gave his explanation. The management then ordered for an enquiry. In the enquiry he sought for the help of one S. Venkataraya. His request was not conceded. However, the facility of a co-worker was given to him. The enquiry committee refused to disclose the procedure which it was going to follow. The principles of natural justice and fair-play were not followed. He has given representation on 26-12-1980 and 7-1-1981 in that connection. They have conducted the enquiry in haste. He was not supplied with the complaint copy of Mr. Deshpai. The list of witnesses was not given to him. Copies of proceedings of each day were not given. The objections raised by him were not considered. Answers elicited by him were not recorded. Statement made by his witnesses were not recorded. The punishing authority has not applied its mind. The findings are perverse. The order of dismissal is illegal. Even otherwise the punishment is disproportionate to the alleged act of mis-conduct.

4. The second party management has filed its counter statement and its contentions in brief are as follows : To the charge sheet dated 3/4-11-1980, the first party workman has given his explanation dated 10-11-1980. It was not satisfactory. An enquiry committee was constituted for holding an enquiry. There was a change in the constitution of the committee and it was notified to him. On 23-12-1980 he was permitted to bring a co-worker to assist him, if he so desired. He requested the assistance of one Venkataray by letter dated 24-12-80 and it was allowed. The procedure of enquiry was explained to him. The committee conducted

the enquiry from 26-12-1980 to 27-1-1981. The witnesses were examined and permitted to be cross-examined by the other side. After considering the evidence on record and the written statements, findings were recorded. He was dismissed in accordance with the Standing Orders. It is denied that the second party did not like his union activities. It is not aware about his any union activities. All the points raised by the first party were recorded. The parties agreed about the method to be adopted in conducting the enquiry and the allegation that he was not furnished with a list of witnesses need not be traversed. He was permitted to take notes from day to day proceedings. It is denied that the statement of witnesses were not recorded properly. The workman and his representative have signed on all the pages of proceedings, and the same is correct. The punishing authority has taken into account all the factors. The findings of the enquiry officer are not perverse. This reference may be rejected.

5. The following two issues were raised in view of the said pleadings

1. Whether the domestic enquiry is just and according to the principles of natural justice?

2. What order?

6. The management examined one witness and got marked Exs. M-1 to M-9.

7. The workman examined himself and got marked Exs. W-1 to W-4.

8. Findings on additional issues have been recorded by a considered order dated 13-11-1986. It has been held that the second party has held the domestic enquiry in accordance with law.

9. The action the parties were called upon to adduce evidence on the questions of perversity of findings and victimisation and un-fair labour practice etc.

10. The workman has further examined himself.

11. The management has examined three more witnesses.

12. The parties have filed their written arguments.

13. My finding on the point of reference is that the management was justified in dismissing Sri G. F. Aseervatham Junior Mechanic with effect from 14-3-1981 and that he is not entitled to claim any relief.

REASONS

14. The test of perversity of findings is two fold. The first test is whether the finding is not supported by any legal evidence at all and the second test is that on the basis of the material on record, whether no reasonable person could have arrived at the finding recorded by the enquiry officer. In the written arguments filed for the first party it has been stated that this is a case where the findings are perverse. The learned counsel for the first party has cited the cases of Lakshmidevi Sugar Mills V/s Ram Sarup and others (1957 ILLJ page 17) and Central Bank of India Ltd. New Delhi V/s Prakash Chand Jain (1969 II LLJ 377). The authorities show that the finding can be termed as perverse only if it does not withstand the test shown above.

15. On the other hand the case of Caltex India Limited (India) V/s Labour Court Quilon and others (1956 II LLJ page 417) was cited for the second party and it was argued that the Tribunal has no power to re-appreciate the evidence and find the finding of the enquiry officer to be perverse.

16. Keeping in mind the principles laid down in the authorities cited by the parties, it requires to be seen whether the findings of the enquiry committee are perverse or otherwise.

17. The charge sheet issued to the first party workman is at Ex. M-1. The allegations, are as follows:—

"It is reported that when you were on duty on 3-11-1980 in the night shift starting from 10.00 p.m. to 6.30 a.m., at about 11.00 p.m. you have assaulted Sri N. M. Deshpai, staff No. 2556, OCM Grade I who was on duty in the same shift at CCR in the presence of other employees and rendered him

unconscious. Again at about 12.00 midnight you have gone to CCR with Shri Poovaiiah, staff No. 2109, Driver-cum-Mechanic Grade II who threatened Shri N. M. Deshpaiik with smashing of teeth etc., and both of you left promises immediately.

It is further reported on 4-11-1980 at about 9.15 a.m. you have gone to quarter No. A-52 at KIOCL township along with Sri Sudheer, staff No. 2234, Junior Mechanic Grade II and Sri Krishnappa, staff No. 1617, operator-cum-Mechanic. You took the stool lying there and hammered Sri Deshpaiik without any reason."

18. With reference to the said charge, the second party was called upon to produce evidence before the enquiry committee. Ex. M-7 is the proceedings of the enquiry committee. The presenting officer examined four witnesses as follows—1. PW-1 K. Ganesh, 2. PW-2 Vishwanath Pai 3. PW-3 O. K. Uchagaonkar and 4. PW-4 N. M. Deshpaiik. The cross-examination of PW-1 K. Ganesh is recorded in part on pages 6 to 11 and then on page 27. The evidence of PW-1 Ganesh shows that on 3-11-1980 he was on duty in C. Shift from 10 p.m. to 6.30 a.m. His designation is OCM Grade II. His evidence has been recorded in the form of question and answers. He has stated that B shift incharge, by name S. K. Tamotia had allotted him the work in CCR and on that day he had not brought his personal tool box and for that purpose he had gone to CCR. He further states he had taken screw-driver, spanner etc. for his work of maintaining the machines on that night. It further appears in his evidence that when he had gone to return the tools between 12 mid-night and 12.10 a.m., he saw Dattatry KIOCL driver and Sri Deshpaiik. The presenting officer sought for permission to put some more questions on the ground that he had turned hostile. On page 27 of Ex. M-7 it has been shown that the workman did not intend to cross-examine PW-1. The evidence of PW-1 Ganesh supports the case of the management that at about 10.40 p.m. the persons present in the CCR were Tamotia Vishwanath Pai, CCR operator Deshpaiik and the first party workman Aseervatham.

19. PW-2 K. Vishwanath Pai Junior Mechanic Grade II was examined by the management to show that when he had gone to CCR on 3-11-1980, he saw the workman Aseervatham talking with Deshpaiik and that K. Ganesh was also present at that time. It further appears in his evidence that then Aseervatham and Deshpaiik were talking. Aseervatham pushed Mr. Deshpaiik and thereafter he took the tools and went away. Before the enquiry committee Vishwanath Pai drew up a sketch map and pointed out the respective points where Aseervatham and Deshpaiik were standing. It has been contended in the written arguments that the evidence of Vishwanath Pai does not show the exact time of the incident and that his evidence is not consistent with the evidence of Ganesh regarding the presence of the latter and therefore it may be held that there is no legal evidence. The enquiry committee has discussed the said aspect in its report and the discrepancy is not held to be a material one. In the cross-examination PW-2 has stated that on that day he had taken only a ring spanner. His cross-examination further discloses that when the job was allotted only Mr. Dattatry took the tools and after that Aseervatham also joined him and all the three of them had gone to their work spots. On page 17 of his evidence it appears that he had gone to CCR again to bring the ring spanner of the correct size. On page 18 of his evidence he states that there is no lock to the tool box and he had taken the tool himself. His evidence on page 21 makes it clear that he had noticed that Aseervatham had pushed Deshpaiik and at that time Ganesh was present. On page 22 of his evidence there is some prevarication on the point of timings of his visit to the CCR. On page 23 of his evidence there is an indication that the talk between Aseervatham and Deshpaiik was in an angry mood. On page 26 of his evidence PW 2 has clarified that he did not make any report regarding this incident, since it was not his duty.

20. The evidence of PW 3 Uchagaonkar Mechanic Grade I is at pages 27 to 36. His evidence is mainly on the point of the incident of 4-11-1980. It would be appropriate to discuss his evidence after the evidence of Deshpaiik is analysed.

21. The evidence of PW 4 Deshpaiik is between pages 37 and 63. regarding the incident of 3-11-80. PW 4 states that Tamotia B shift incharge had allotted him work in

the control room on that night and at 11.30 p.m., the workman Aseervatham assaulted him. He further states that round about 12 mid-night, there was another incident in which one Mr. Poovaiiah had threatened him. He has then stated that the incident of assault by Aseervatham is witnessed by Vishwanath Pai and Ganesh. The enquiry committee has not accepted the case of the second party that then Poovaiiah was threatening Deshpaiik, the workman Aseervatham was peeping through the CCR door. That part of the evidence need not be gone into in detail. In the cross-examination at page 42 PW 4 explains that Aseervatham had gone to CCR between 11 p.m. and 11.15 p.m. His evidence specifically shows that Ganesh and Vishwanath Pai had both witnessed the incident. The witness has further explained that Aseervatham has shouting at him and he cannot recall the words he uttered because his neck was being pressed and he was passing through anxious moments. Indeed, the evidence of Ganesh and Vishwanath Pai does not disclose about the pressing of PW 4's neck. The said discrepancy does not falsify their evidence to the extent that they had been Aseervatham pushing Deshpaiik. On page 47 of his evidence he has clarified that since it was night time he did not want to disturb his superior officer and therefore he did not report about it immediately. On page 48 of his evidence, there is a question suggested to him by the defence representative. It is as follows :—

"Is it not a fact that yourself and others in the CCR had assaulted Mr. Aseervatham and that while he ran away from the CCR, he shouted that he will bring Mr. Poovaiiah". The witness PW 4 has answered that it is not a fact. This question suggests that Aseervatham, the workman was present in the CCR on the night of 3-11-1980 and that some incident did take place in the presence of some witness. The question whether the second party has pinpointed the exact time of the incident thus loses its impact. I find that it is neither a case of no legal evidence, nor a case of no reasonable person arriving at such a finding, insofar as the first incident is concerned. The evidence of PW 4 Deshpaiik the complainant is corroborated by the evidence of PW 1 Ganesh and PW 2 Vishwanath Pai, satisfactorily as regards the incident of 3-11-1980.

22. In the written arguments there is a strong contention that the second party has not produced the complaint given by PW 4 and that a strong adverse inference arises and that it falsifies the case of the second party. Complaint is, after all a secondary kind of evidence. No doubt, it contains the earliest version of the complainant. In such cases if the complaint is not produced and if the oral evidence is only of the complainant the case of the prosecution will be liable to be called as doubtful. In my opinion if there is corroborative piece of evidence from the mouth of other eye witnesses and if in spite of the adverse inference, for non-production of the complaint, the evidence of the complainant is shown to be truthful, it cannot be said that the finding is perverse. In the case at hand, I am of the view that in spite of the adverse inference that can be drawn for the non-production of the complaint, the evidence of PW 4 is sufficiently corroborated by that of PW 1 and PW 2 to inspire confidence.

23. As regards the incident of 4-11-1980 PW 4 has stated on page 38 that he resides in KIOCL township. There is no dispute on that point. PW 3 Uchagaonkar also puts up in the same quarters. PW 4 Deshpaiik has stated that on that morning Aseervatham hit him with a stool on his face and that among others such as Krishnappa and Sudheer PW 3 Uchagaonkar was also present and has witnessed the incident, which took place at about 9 a.m. The evidence of PW 3 Uchagaonkar at page 28 shows that the workman Aseervatham along with Krishnappa, Sudheer and Poovaiiah knocked their door and when he opened the door they entered their house and started discussing about the incident of the previous night. He further states that the workman suddenly picked up a stool and threw it on the face of Deshpaiik and saying that they will meet him in the evening again, went away. The evidence of PW 3 in the cross-examination shows that soon after they came to the house, the other persons such as Sudheer Krishnappa and Poovaiiah were saying that Aseervatham and Deshpaiik should not have done such things and that fighting and all such things are bad. It further appears in the evidence of PW 3 Uchagaonkar, when he was recommending

their advise Aseervatham at once lifted a stool and threw it on Deshpai. He further explains that because Aseervatham was still angry he did so. The evidence of PW 3 goes to show that Deshpai was injured on his right hand, nose and right eye-brow. From the cross-examination of the PW3 appearing on page 32 it can be made out that the defence had a version that PW 4 Deshpai also intended to judge in counter attack, but Sudheer caught hold of his hands. These questions themselves indicate that there is all the truth in the evidence of PW 3 Uchagaonkar and PW 4 Deshpai that the workman had gone to the house of Deshpai, round about 9.00 a.m.

24. For the workman, DW 1 has been examined to show that 3/4 ring spanner is not required for filling the tank of the compressor. So much of evidence cannot disprove the fact that PW 1 Ganesh had gone to the CCR on the night of 3-11-1980. In the cross-examination PW 1 states that he has not used a hand pump for transferring diesel from the barrel to the compressor. The enquiry committee has rejected his evidence and I do not find that this Tribunal can re-appreciate his evidence and hold that it disproves the presence of Ganesh at the spot on the night of 3-11-1980.

25. DW 2 is one Srinivasan, Junior Mechanic Grade I. His evidence is on the point that on the night of 3-11-1980 Aseervatham and PW 2 Vishwanath Pai were not present in the CCR. On page 77 it appears in his evidence that he does not remember about the work he had done on 2-11-1980. His evidence regarding the absence of PW 2 Vishwanath Pai and Aseervatham in the CCR does not contradict the evidence of PW 1 and PW 2. The enquiry committee has correctly assessed and evaluated the evidence of DW 2.

26. DW 3 is P. Krishnappa OCM Grade I. He has been examined to show that on 4-11-1980 at about 9.00 a.m. he had gone to zonal engineer and he met him at 11.30 a.m. The relevant point is whether the workman Aseervatham assaulted Deshpai at the residence of the latter with a stool and not whether DW 3 Krishnappa was present in the house of Deshpai on 4-11-80 in the morning. His evidence does not clinch the issue. I do not find any inconsistency in the finding of the enquiry committee for not accepting his evidence.

27. DW 4 R. Balu is a Junior Mechanic Grade II. His evidence is on the point that on 4-11-1980 he visited company's authorised Doctor by name Doctor Ramachandrarao at about 8.20 p.m. in the house of assistant superintendent and at that time he saw Dilip Sheshadri, PW4 Deshpai OCM assistant superintendent and the Doctor. He further states that on that day he did not find PW 4 Deshpai in the medical centre. On page 91 he admits that he has no idea regarding the working hours of the company doctor at the medical centre. The evidence of DW 4 Balu does not disprove that on the morning of 4-11-1980 PW 4 Deshpai was injured, but it supports such a case.

28. DW 5 A. S. Sudheer junior mechanic grade II has been examined to show that on 4-11-1980, he was on leave. He states that he does not know about any incident which took place at quarter No. 852 on that day. On page 96 he concedes that he does not remember whether he had taken written permission for his leave on 4-11-1980. In the absence of the documentary evidence to show that he had got sanctioned the leave for 4-11-1980 prior to that date, his evidence does not carry any weight. It is difficult to hold that the enquiry committee should have accepted his evidence merely because he was on leave on that day, in preference to the evidence of PW 4 Deshpai and PW 3 Uchagaonkar.

29. DW 6 Dr. A. G. Ramachandra Rao has been examined to show that on 4-11-1980 he had given treatment to Deshpai. He has stated that he had treated him for a black-eye and that it was a minor injury. His evidence is that the treatment was given round about 8 p.m. and it was in the house of G. V. Bhat. On page 103, DW6 states that Deshpai gave a history of assault for the injuries. The evidence of DW6 thus supports the case of the management that PW 4 Deshpai was injured and he was treated for his injuries. The other discrepancies are of minor nature and it cannot be said that the enquiry committee went wrong in believing the evidence of PW4 Deshpai and PW 3 Vishwanath Pai and the contention that Deshpai was injured at the hands of the workman on the morning of 4-11-1980.

30. Ex: M-2 is the copy of the order of appointment constituting the enquiry committee. Ex. M-3 is the modified order. Ex. M-4 is a copy of the notice of enquiry. Ex. M-5 is the order of the appointment of the presenting officer. Ex. M-6 is the authorisation of the defence representative. Ex. M-7 is the report of the enquiry committee and Ex. M-9 is the standing orders. These documents show that the second party has followed the procedure laid down in the standing order in holding the enquiry.

31. It has been contended that in the written arguments that MW 4 P. G. Iyengar had no authority to issue the charge sheet Ex. M-1 and that the proceedings are vitiated. The authority of General Manager Mysore State Road Transport Corporation v/s Devaraj Urs and another (1976 II LLJ page 306) was cited. The authority is not pertinent. On the other hand, the management has produced documents with a list dated 28-9-1987. The first document is the xerox copy of the order of delegation of powers. On page 21 at item No. E it has been shown that regarding the disciplinary powers the delegation will be as per the office orders dated 20-11-1977 and 21-6-1978. Xerox copies of both the orders have been produced before me. They show that PW 4 T. G. Iyengar the then superintendent was competent to initiate the disciplinary proceedings.

32. The authority of Glaxo Laboratories (I) Limited V/s. Labour Court, Meerut and others (1984 I LLJ page 16) was cited. The authority has been cited to indicate that since the alleged act of assault has not been committed either in relation to the work or production of the second party or within the premises of the factory, the same does not amount to any misconduct. On fact it has been held that night incident of 3-11-1980 did take place within the premises of the company and there is no gain-saying that the alleged act does not amount to misconduct. Standing Order 34(5) which deals with threatening or coercing other employee does not say that it should have been committed within the premises of the company. Standing order 34(16) specifically states that using violence in the premises or within the captive township is an act of misconduct. In view of the specific provision contained in standing order No. 34(16), I find that the authority does not help the first party.

33. The first party has produced his reply given to the charge sheet Ex. W-1, his representations dated 28-12-1980 and 7-1-1981 and 6-11-1980 and it has been urged that they prove that the workman has been victimised for his trade union activities, and in this connection the evidence of the workman dated 25-6-1987 has been also relied upon. For the management the evidence of MW-2 Azar, MW-3 Sheshadri, MW-4 Iyengar is relied upon to show that there has been no victimisation or unfair labour practice.

34. The following authorities have been cited to show that on account of unfair labour practice and victimisation the workman has been made to suffer and that the order of dismissal is illegal. Laxmi Devi Sugar Mills-LLJ 1956(2)439 Indian Iron & Steel 1958(1) LLJ-260 Khardah Vs. Jadav 1963-2-LLJ 452 1975(2)LLJ252 Michael Johnson Pump. In a case where the dismissal is based on proof of specific acts of misconduct the questions of management indulging in unfair labour practice or victimisation for his trade union activities do not arise. Standing order 34(31) deals with assault or attempting bodily injury and 34(57) deals with committing any act subversive of discipline or good behaviour. All the four items of the standing orders shown in the charge sheet have been proved by specific evidence. The findings of the enquiry committee are not at all perverse. In the first place I find that the question of practicing unfair labour practice or victimisation of the workman do not arise. Secondly, the evidence of DW 1 and Exs. W-1 to W-4 do not prove that the management has indulged in unfair labour practice or that it has victimised him for his trade union activities.

35. It is argued in the written arguments that the second party is not a custodian for law and order and that it was for the state or the police to have taken action against the first workman if he had indulged in assault. The assault on PW 4 Deshpai is within the factory premises and captive township, where the second party expects that its employees should maintain peace and discipline. The contention has no force.

36. In the result, an award is hereby passed to the effect that the management of the Kudremukh Iron Ore Company Limited, Bangalore was justified in dismissing the services of G. F. Asservatham with effect from 1-4-1931 and that he is not entitled to get any relief.

(Dictated to the secretary taken down by him and got typed and corrected by me).

B. N. LALGE, Presiding Officer
[No. L-26012/9/81-D.III(B)]

का. आ. 3480.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, खेड़ी कॉपर कॉम्प्लेक्स आफ हिन्दुस्तान कापर लि., के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जबपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/11/87 को प्राप्त हुआ था।

S.O. 3480.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Khetri Copper Complex of HC Ltd. and their workmen, which was received by the Central Government on the 24-11-87.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
RAJASTHAN, JAIPUR

Case No. CIT. 22/1985

Reference : Government of India, Ministry of Labour, New Delhi Order No. L-43012/33/84-D. III(B) dated 25-4-1985

In the matter of an Industrial Dispute

BETWEEN

Shri Dharampal represented by General Secretary, Rashtriya Khetri Tumba Project Mazdoor Sangh, Khetri Nagar, District Jhunjhunu.

AND

Management of KCC of HC Ltd. Khetri.

PRESENT :

Shri J. P. Bansal, RHJS.

For the Union—Shri J. K. Agarwal.

For the Management—Shri Manoj Sharma.

(Date of Award : 2nd February, 1987)

AWARD

The Under Secretary, Government of India, Ministry of Labour, New Delhi vide its notification No. L-43012/33/84-D. III(B) dated 25th April, 1985 has referred the following dispute to this tribunal for adjudication :

“Whether the management of KCC of HC Ltd. Khetri is justified in dismissing Shri Dharampal. Miner code No. 13348 of KCC from service with effect from 13th October, 1983 ? If not, what relief he is entitled to ?”

2. Statement of claim was filed by the union on behalf of the workman. Thereafter a settlement took place between the union on the one hand and the management on the other.

The terms of settlement are these :

(1) It is agreed that, in view of the regret expressed by Shri Dharam Pal and having assured good behaviour, he will be taken back in employment as Miner w.e.f. 15th March, 1986

(2) It is agreed that the punishment of dismissal awarded to Shri Dharam Pal will be modified to the extent that his next increment, which would have been due to him had he not been dismissed, will be withheld with cumulative effect :

(3) It is agreed that the period from the date of his dismissal till he is taken back on duty will be treated as 'absence' and shall not be entitled to any wages or any other benefits for the same period. He will, however, be given continuity of service for the purpose of Provident Fund fixation of pay, but no arrears will be paid on this score;

(4) He will not be entitled to receive any other benefits for the past period i.e. Leave Travel Concession, Cash in lieu of Uniform, Stitching charges, reimbursement of medical expenses, Children Education Allowance, reimbursement of Tuition fee etc.

(5) It is further agreed that with this settlement the dispute stands fully settled and no dispute will be raised in this regard.

In view of the circumstances mentioned above, I pass the award accordingly. It may be sent to the Central Government for publication under section 17(1) of the Industrial Disputes Act, 1947.

J. P. BANSAL, Presiding Officer

[No. L-43012/33/84-D. III(B)]

का. आ. 3481.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स एसोसिएटेड स्टोन इंडस्ट्रीज (कोटा) लि., के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, जबपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3481.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Associated Stone Industries (Kotah) Limited, and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
RAJASTHAN, JAIPUR.

Case No. CIT-43/84

Reference : Government of India, Ministry of Labour and Rehabilitation, New Delhi order No. L-29011/13/83-D.III(B) dated 4-5-84

Limestone Mazdoor Union, Ramganj Mandi,

Vs.

Associated Stone Industries, Ramganj Mandi.

PRESENT :

Shri J. P. Bansal, RHJS

For the Applicant Union—Shri J. L. Shah

For the Management—

(Date of Award : 3rd January, 1987)

AWARD

The Desk Officer, Government of India, Ministry of Labour and Rehabilitation, New Delhi vide its above cited order has sent the following dispute to this tribunal for adjudication under Section 10(1) of the I. D. Act 1947 :

“Whether the action of the management of Associated Stone Industries Ltd., Ramganjmandi, Kotah in not declaring the III workers permanent is justified ? If not, to what relief are the workmen entitled ?

2. After the receipt in this tribunal of the reference in question the union filed its claim on behalf of the employees. The management put in its reply. Later on the parties came to terms. They filed an application long back wherein they prayed that a no dispute award be passed.

3. In the circumstances detailed above, no dispute award is passed in this case which may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer.

[No. L-29011/13/83-D. III(B)]

का. आ. 3482.—औद्योगिक विवाद अर्थात् 1947 (1947 का 14) की धारा 17 के अनुसार मे, केन्द्रीय सरकार, डब्ल्यू सी एल की घुगुस कोलियरी के प्रबंधन से सम्बद्ध निरीक्षकों और उनके कर्मचारियों के बीच, अग्रबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, नं. 1, दम्पई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3482.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Ghugus Colliery of Western Coalfields Limited and their workmen, which was received by the Central Government on the 24th November, 1987.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NO. 1, BOMBAY

Reference No. CGIT-1 of 1986

PARTIES :

Employers in relation to the management of Sub Area No. II, Ghugus Collieries, M/s. Western Coalfields Limited,

AND

Thier workmen.

APPEARANCES :

For the Management: Mr. P. S. Nair, Advocate.

For the Workman: Mr. M. G. Dabir, Advocate.

INDUSTRY : Mining STATE : Maharashtra
CAMP : Nagpur

Nagpur, dated the 30th day of October, 1987

AWARD

In exercise of the powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government referred the following dispute to this Tribunal for adjudication—

"Whether the action of the management of M/s. Western Coalfields Ltd., Sub-Area No. 117, Ghugus Colliery, Post Ghugus, Distt. Chandrapur in dismissing the workman Sh. Raja Durga from service with effect from 28-3-84 is justified? If not to what relief the workman is entitled?"

2. On 29-4-1987, parties jointly filed an application by post stating that the dispute has been amicably settled between the parties on the terms indicated in the Memorandum of Settlement enclosed therewith, and praying for an award in terms of the settlement.

3. The terms of the settlement entered into between the parties are as follows :—

1. Shri Raja Durga will be reinstated in Sub-Area No. 2 as Trammer-cum-Loader.
2. The period of his absence from the date of his dismissal to the date of his joining duty will be treated as Diasnon on the principle of 'no work no pay'.

3. Shri Raja Durga will not be entitled to wages or any other payment, whatsoever, for the period of his idleness from the date of dismissal to the date of reinstatement.

4. On re-instatement, Shri Raja Durga will be kept on probation for a period of one year during which period his performance and conduct will be closely watched. An assurance of good performance and conduct will be furnished by Shri Raja Durga in writing under the witness of the Union to the Sr. Personnel Officer, Sub Area No. 2 of Wani Area of WCL before joining the duties. His performance and/or conduct during the probation period if not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory, the management may consider to grant him continuity of services for the limited purpose of payment of gratuity.

4. On 30-10-1987, when this matter was taken up for hearing in the light of the above settlement, parties admitted the terms of the settlement. The workman who was also present in person admitted that he had already been reinstated as per the terms of settlement.

5. I find the terms of settlement fair and proper and in the interests of the workman and therefore accept the same.

6. Award accordingly in terms of the settlement.

Encl : Copy of the terms of settlement.

M. S. JAMADAR, Presiding Officer

[No. L-22012/22/85-D. V]

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL COURT No. I, BOMBAY

Case No. 1/86: In relation to dismissal of service of Shri Raja Durga, Ex-Trammer-cum-Loader, Ghugus RI, WCL Wani Area.

Representing Management : Management of Sub-Area No. 2, Ghugus Sub-Area, WCL, Wani Area, Chandrapur.

Representing Workman : Shri Krishna Rushi Pendre, Gen. Secretary, Lalzanda Coal Mines Mazdoor Union, (CITU), Wani/Chandrapur Area.

Shri Raja Durga, Ex-Trammer-cum-Loader, Ghugus RI, WCL, Wani.

Both the parties jointly beg to furnish the following :

(i) The above dispute has been amicably settled between the parties on the terms indicated in the enclosed Memorandum of settlement.

(ii) Therefore the parties request the Hon. Court to issue a Consent Award.

Sd.:-

Illegible.

Shri S. N. Shastri,
General Manager (Actg.),
WCL, WANI AREA.

Sd.:-

Illegible,

Shri K.K. Shriastava,
Dy. Personnel Manager,
WCL, WANI AREA.

Sd.:-

Illegible,

Shri Krishna Rushi Pendre,
Gen. Secretary,
Lalzanda Coal Mines Mazdoor
Union (CITU), Wani/Chandrapur

Thumb Impression
Shri Raja Durga,
Ex. Trammer-cum-Loader,
Ghugus RI, Sub-Area No. 2,
WCL, Wani Area,
Chandrapur,
11-3-1987.

WESTERN COALFIELDS LIMITED, WANI AREA

No. WCL|WA|GM|PER : 11767-71 Dated 11-3-1987
Copy for info. with a copy of settlement to :

1. The Addl. Chief Personnel Manager (IR) : this has reference to his letter No. WCL|IR|Settlement 32 dt. 14-2-87.
2. Shri Krishna Rushi Pendre, Gen. Secy., Lalzanda Coal Mines Mazdoor Union (CITU), Wani|Chandrapur Area, WCL.
3. The Sub-Area Manager, SA-II
4. The Sr. PO|SA-II
5. The Dy. Personnel Manager|Wani Area.

FORM—H
(See Rule 58)

MEMORANDUM OF SETTLEMENT

Representing Workman :

1. Shri Krishna Rushi Pendre, Gen. Secretary, Lalzanda Coal Mines Mazdoor Union (CITU), Wani|Chandrapur Area of WCL.
2. Shri Raja Durga, Ex-Trammer-cum-Loader, Ghugus RI, WCL, Wani Area.

Representing Management :

1. Shri S.N. Shastri General Manager (Actg.), WCL, Wani Area.
2. Shri K.K. Shrivastava, Dy. Personnel Manager, Wani Area.

SHORT RECITAL OF THE CASE

Shri Raja Durga was charge-sheeted on 11-7-1983 for the following misconducts :

- (i) that from second shift of 7-7-83 Shri Raja Durga participated in illegal strike;
- (ii) that he was instigating other workers for participating in the said strike;
- (iii) that he was preventing the willing workers from going down for their duties;

Thereafter an enquiry was constituted vide Office Order No. WCL|GC|MGR|442-5 dated 4/6th August, 1983 and on receipt of the Enquiry Report the services of the workman were dismissed w.e.f. 28-3-1984. The workman raised an Industrial Dispute on 6-8-84 before the ALC(C), Chandrapur and the matter remained unresolved at conciliation level and thereafter FOC was recorded. The case was referred to CGIT Court No. 1, Bombay and during the pendency of the dispute before the CGIT, the issue was amicably discussed between the workman represented through Shri Krishna Rushi Pendre, Gen. Secretary Lalzanda Coal Mines Mazdoor Union (CITU) and the representative of the management and the dispute was settled on the following terms :

TERMS OF SETTLEMENT

1. Shri Raja Durga will be re-instated in Sub-Area No 2 as Trammer-cum-Loader.
2. The period of his absence from the date of his dismissal to the date of his joining duty will be treated as Dias-non on the principle of 'no work no pay'.
3. Shri Raja Durga will not be entitled to wages or any other payment, whatsoever, for the period of his idleness from the date of dismissal to the date of re-instatement.
4. On re-instatement Shri Raja Durga will be kept on probation for a period of one year during which period his performance and conduct will be closely watched. An assurance of good performance and conduct will be furnished by Shri Raja Durga in written. An assurance of good performance and Sr. Personnel Officer, Sub-Area No. 2 of Wani Area of WCL before joining the duties. His performance and/or conduct during the probation period if not found satisfactory, his service will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory, the management may consider to grant him continuity of services for the limited purposes of payment of gratuity.
5. It is further agreed that a copy of this settlement jointly signed by the parties will be presented before the CGIT, Court No. 1, Bombay where the case is pending and Shri Raja Durga will be allowed to join duties within one month from the date of the Consent Award|Order in terms of settlement.

Sd/-

(Illegible)

1. Shri S. N. Shastri,
General Manager (Actg.),
WCL, Wani Area.

Sd/-

(Illegible)

2. Shri K. K. Shrivastava,
Dy. Personnel Manager,
WCL, Wani Area.

Sd/-

(Illegible)

1. Shri Krishna Rushi Pendre,
Gen. Secretary,
Lalzanda Coal Mines Mazdoor
Union (CITU),
Wani|Chandrapur Area of WCL.

Thumb Impression

2. Shri Raja Durga,
Ex-Trammer-cum-Loader,
Ghugus RI, Sub-Area No. 2,
WCL, Wani Area.

Witnesses :

Sd/-

(Illegible)

1. Shri K. A. Gopalan Achary,
Stenographer, WCL, Wani Area.

Sd/-

(Illegible)

2. Shri Md. Abrar,
Sr. Clerk, WCL, Wani Area.

नई दिल्ली, 8 दिसम्बर, 1987

का.आ. 3473-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. वेस्टर्न कोलफील्ड्स लिमिटेड के उपक्षेत्र संख्या 1, नई मजरी कोलरी के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 1, बम्बई, के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

New Delhi the 8th December, 1987

S.O. 3483.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Western Coal Fields Limited in Sub-Area No. 1, New Majri Colliery and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Mr. Justice M. S. Jamdar, Presiding Officer
Reference No. CGIT-23 of 1987

PARTIES :

Employers in relation to the management of M/s. Western Coalfields Ltd. in Sub-Area No. I, New Majri Colliery

AND

Their Workmen.

APPEARANCES :

For the Management—Mr. P. S. Nair, Advocate along with Mr. Shashi, Advocate.

For the Workmen—No appearance.

INDUSTRY : Mining.

STATE : Maharashtra.

CAMP : Nagpur.

Nagpur, dated the 30th day of October, 1987

AWARD

In exercise of the powers conferred under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, the Central Government referred the following dispute for adjudication to this Tribunal.

"Whether the action of the management of M/s. Western Coal Fields Ltd. in Sub-Area No. I, New Majri Colliery, P.O. Shivaji Nagar (MS) is justified in terminating the services of Shri Prabhakar Govinda Dongre, w.e.f. 16th June, 1984? If not, to what relief the workman is entitled?"

2. On the first date of hearing in this reference, the Advocate for the management filed an application stating that before the receipt of the order of reference, the dispute has been settled between the parties. He also filed a copy of the settlement as also copy of an office order issued by the management in terms of settlement. In view of this, management prayed for an award in terms of the settlement.

3. The workman did not appear before this Tribunal on 13th July, 1987 and 28th October, 1987, though duly served with the notice of hearing on both occasions. He also did not remain present on other adjourned dates.

4. Mr. Nair, Advocate for the management, therefore, filed an affidavit of one Mr. S. Mahto, Personnel Officer of the employer to the effect that the Memorandum of Settlement

was entered into between the parties to resolve the dispute that the memorandum is signed by the workman and that the workman has been actually reinstated in terms of the settlement and other terms of the settlement have also been implemented.

5. I find the terms of settlement fair and proper and in the interest of the workman and therefore accept the same.

6. Award accordingly in terms of the settlement.

M. S. JAMDAR, Presiding Officer

[No. L-22012/92/85-D.V/D. III(B)]

V. K. SHARMA, Desk Officer

Encl. : Copy of terms of the settlement.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY
Reference No. CGIT-23 of 1987

The Sub-Area Manager,
Sub-Area-I, New Majri Colliery,
M/s. Western Coalfields Ltd.,
PO : Shivjinagar,
District : Chandrapur (M.S.)

.....For Management

Versus

The General Secretary,
Rashtriya Vidarbha Coal Employees Union,
Near Jaipura Gate, Chandrapur (M.S.)
.....For Workman

The Management beg to submit as under :

1. The Government of India, Ministry of Labour vide its order No. L-22012/92/85-D. III(B) dated 6th May, 1987 has referred the following dispute for adjudication before this Hon'ble Tribunal.

"Whether the action of the Management of M/s. Western Coalfields Ltd. in Sub-Area No. 1, New Majri Colliery, P.O. Shivjinagar (M.S.) is justified in terminating services of Shri Prabhakar Govinda Dongre w.e.f. 16th June, 1984? If not, to what relief the workman is entitled?"

2. Before the receipt of the order of reference from the Government of India, the issue has been amicably discussed and the dispute has been settled between the parties. A copy of memorandum of settlement is attached herewith as Annexure 'A'.

3. In accordance with the memorandum of settlement as referred to in para 2 above, the workman Shri Prabhakar Govinda Dongre has already been allowed on duty vide our office order No. WCL : SAI : PER : 2596 dated 27th May, 1987. A copy is attached herewith as Annexure 'B'.

4. In view of the above facts, the dispute as referred to this Hon'ble Tribunal have been settled. Award in terms of the settlement may be passed.

Prayer: It is therefore prayed that Hon'ble Tribunal may kindly pass the consent Award, in terms of the settlement.

New Majri Colliery.

Dated : 11-7-1987.

Sd/-

Sub-Area Manager,
Majri Sub-Area,
Sub-Area Manager,
Sub-Area No. I, (W.V.)

CC : Shri R. C. Pandey, General Secretary,
Rashtriya Vidarbha, Coal Employees Union,
Near Jaipura Gate, Chandrapur.

—WESTERN COALFIELDS LIMITED—

OFFICE OF THE SUB-AREA MANAGER, NEW MAJRI
SUB-AREA, WANI AREA

REF. NO. WCL : SAI : PER : 2596

Dated 27-5-1987.

OFFICE ORDER

In terms of the Memorandum of Settlement arrived at between the management of Wani Area and the workman Shri Prabhakar Govinda Dongre, represented by Shri R. C. Pandey, General Secretary, Rashtriya Vidharbha Coal Employees Union, Chandrapur, Shri Prabhakar Govinda Dongre, is hereby reinstated on the post of Casual Loader (P.R.) with immediate effect and posted at New Majri Colliery Mine No. 3 under the following terms and conditions:

1. The period of absence from the date of his termination to the date of joining will be treated as *dies-non* i.e. 'no work no pay'.
2. The workman shall not be entitled to wages or any other payment, whatsoever for the period of his idleness i.e. from the date of his termination to the date of his reinstatement/joining his duties.
3. He will be on probation for a period of one year during which period his attendance, performance and conduct will be closely watched. If the performance conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However, if his performance and conduct during the probation period are found satisfactory, the Management may consider to grant him a continuance of service for the limited purpose of payment of gratuity.
4. The workman shall furnish written assurance of good performance, conduct and punctuality before joining the duties.

Shri Prabhakar Govinda Dongre is directed to report for his duties to the Superintendent Manager, NMC-3.

This issues with the approval of competent authority.

Sd/-

Sub-Area Manager,
Majri Sub-Area.

Distribution :

- Shri Prabhakar Govinda Dongre.
The Supdt. Manager, NMC-3.
The Group Account Officer, SAI.
The Personnel Officer, SAI.
The Personnel Manager, W.A.. This has reference to his letter No. WCL : WA : GM : PER : 60A; 20655-56 dated 12th May, 1987.
Shri R. C. Pandey, General Secretary, Rashtriya Vidharbha Coal Employees Union, Jetpura Gate, Chandrapur.

FORM-'H'

(See Rule 58)

MEMORANDUM OF SETTLEMENT

Representing the Management—Shri R. K. Singh, Personnel Manager, Western Coalfields Ltd., WANI Area, Chandrapur (M.S.).

Representing the Workman—1. Workman himself, Shri Prabhakar Govinda Dongre, Ex-Wagon Loader, New Majri Colliery, WCL, Wani Area, Chandrapur District (MS). 2. Shri R. C. Pandey, General Secretary, Rashtriya Vidharbha Coal Employees Union, Chandrapur.

SHORT RECITAL OF THE CASE

A failure of conciliation report No. ALCH-1(5)/85 dated 29th November, 1985 from Assistant Labour Commissioner (C), Chandrapur has been received by Ministry of Labour, Government of India as intimated by the Desk Officer vide G.M. No. 1 22012/92/85-D.V/D.II(B) dated 27th January, 1987.

Industrial dispute between the management of M/s. Western Coalfields Ltd. in Majri Sub-Area and their individual workman represented by General Secre-

tary, Rashtriya Vidharbha Coal Employees Union, Chandrapur over alleged wrongful termination of Shri Prabhakar Dongre, Ex. Wagon Loader, New Majri Colliery from services with effect from 16th June, 1984 because of remaining absent unauthorisedly without giving any intimation or permission from the Competent Authority."

Both the parties decided to settle the issue amicably on the following grounds/terms and conditions:

1. Shri Prabhakar Govinda Dongre will be reinstated on the same post as held by him at the time of termination.
2. The period of absence from the date of his termination to the date of joining will be treated as *dies-non* i.e. 'No Work No Pay'.
3. The workman will not be entitled to wages or any other payment whatsoever for the period of idleness from the date of his termination to the date of his re-instatement/joining his duties.
4. On reinstatement Shri Prabhakar Govinda Dongre will be kept on probation for a period of one year during which his attendance, performance and conduct will be closely watched. An assurance of good performance, conduct and punctuality will be furnished by the workman before joining the duties. If performance conduct during the probation period is not found satisfactory, his services will be liable to be terminated. However if his performance and conduct during the probation period are found satisfactory the management may consider to grant him a continuance of service for the limited purpose of payment of gratuity.
5. The posting of Shri Prabhakar Govinda Dongre shall be decided by the Management.
6. The workman will be allowed to join duty within the period of one month of signing the memorandum.
7. Both the party agreed to settle the dispute on the above terms and conditions; and the Memorandum of Settlement will be submitted to the Ministry for closing the case once for all.

Signature of Workman.

Sd/-

Sd/-

(PRABHAKAR GOVINDA DONGRE)

Signature of Rep. of Workman

Sd/-

(R. C. PANDEY).

General Secy., Rashtriya Vidharbha Coal Employees Union, Chandrapur.

Signature of Management Rep.

Sd/-

(R. K. SINGH)

Personnel Manager, WCL, Wani.

WITNESSES :

Sd/-

1. Sri Subhash Maroti Padare,

Line Helper, CRC, WCL, Chandrapur Area.

Sd/-

2. Sri K. A. Gopalan Achary, Steno, WCL.

नई दिल्ली, 25 नवम्बर, 1987

या आ. 3484 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चाणाना कालखरो मंसूर इंडियन प्रायवत एंड स्टील कंपनी लिमिटेड के प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवर्ध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या 2, धनबाद के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 23 नवम्बर, 1987 को प्राप्त हुआ था ।

New Delhi, the 25th November, 1987

S.O. 3484.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Chasnalla Colliery of M/s. Indian Iron and Steel Co. Ltd., and their workmen, which was received by the Central Government on the 23rd November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 75 of 1985

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Chasnalla Colliery of Messrs. Indian Iron and Steel Co. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen. Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers: Shri R. S. Murthy, Advocate

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 16th November, 1987

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (59)/85-D.III(A), dated, the 29th May, 1985.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh that the management of Chasnalla Colliery of Messrs. Indian Iron and Steel Co. Ltd. should give the pay scales of clerical Grade-I regularly to their clerks, S/Shri R. N. Singh, Ekbal Singh and S. N. Jha is justified? If so, to what relief are these workmen entitled and from what date?"

The case of the workmen is that the three concerned workmen S/Shri R. N. Singh, Ekbal Singh, S. N. Jha are permanent workers of Chasnalla colliery of M/s IISCO in the clerical cadre. They were performing the duties as Clerk Grade-II at the weigh bridge section of Chasnalla colliery and they had been performing particular type of duty at the weigh bridge till the month of April, 1982. The management vide order dt. 28-4-82 directed the three concerned workmen to perform extra jobs in addition to their normal jobs and accordingly they were performing the said extra jobs in addition to their normal duties all along to the entire satisfaction of the management. The concerned workmen were placed in Clerical Grade-I as they were performing extra job in addition to their normal jobs and were paid the wages of Clerical Grade-I for 9 months with effect from 1-5-82. Thereafter, although the concerned workmen were doing their normal jobs along with the extra jobs entrusted to them, the payment of Clerical Grade-I wages was stopped by the management. The concerned workmen claim for the wages of Clerical Grade-I from the management after the same was stopped but the management denied to pay the wages of Clerical Grade-I. The management had given no notice for stopping the wages of Clerical Grade-I to them. The concerned workmen are entitled to the wages and emoluments of Clerical Grade-I in accordance with the nature of duties being performed by them and for which the management had previously paid them the wages of Clerical Grade-I. The refusal to pay the wages of Clerical Grade-I to the concerned workmen by the management is illegal arbitrary and mala fide. An industrial dispute was raised by the union of the workmen and on failure of the

conciliation before the ALC(C) the dispute has been referred to this Tribunal for adjudication. On the above facts it has been prayed that the three concerned workmen should be paid wages of Clerical Grade-I from the date of its stoppage.

The case of the management is that the three concerned workmen are working as Clerks in the Weigh Bridge Section of Chasnalla Colliery. Although under the Coal Wage Board pay structure and the subsequent NCWAs the proper category for weigh bridge clerk is clerical Grade-II, the management had placed them in Clerical Grade-I. In 1982 the management wanted to have three senior employees in Weigh Bridge section to do specific and special function and for that the posts were advertised for direct recruitment. The Clerks in Grade-II working in Weigh Bridge section claimed that they should be first considered for the said post before any direct recruitment was resorted to. In order to press their demand they filed a Civil suit but it was later on withdrawn after the matter was discussed directly between the management and the Weigh Bridge clerks. The management made adhoc and temporary arrangement following the said discussion whereby the above three concerned workmen were asked to perform the special and additional function at the weigh bridge vide letter dt. 28-4-82 and officiating arrangement was made by placing them in Clerical Grade-I. The said officiating arrangement was later on extended by a further period of 3 months with effect from 1-8-82 and for that letters were issued to the concerned workmen. Thereafter the above arrangement was not extended as the purpose for which it was made was not achieved and the concerned workmen could not discharge the duties as per the requirement of the management. The management decided not to continue the said system and as such the three concerned workmen automatically started working in their original job as weigh bridge clerk in Clerical Grade-II and since then they have been discharging the duties of the Weigh Bridge Clerk only for which they are getting the wages of Clerical Grade-II as before. As the extra job being performed by them was not required to be done by the concerned workmen, they were not entitled to the wages of Clerical Grade-I. The workers started entertaining a feeling and they had a right to continue in clerical Grade-I as they had worked for 9 months in clerical Grade-I during the period of experimental arrangement. The concerned workmen have no right to continue in Clerical Grade-I when they are actually discharging the duties of a Weigh Bridge Clerk only. The IBCCI which finalised the NCWA-I, II and III has laid down promotion rules for Clerks and the promotions in Clerical Grade-I has to be made by selection on the basis of seniority-cum-merit. There is absolutely no scope for placing the concerned workmen in Clerical Grade-I by bypassing the promotion rules. The management also does not require such clerical Grade-I clerks in Weigh Bridge. The claim of the union that the three concerned workmen should be given the pay scales of Clerical Grade-I is without any substance and as such the same is liable to be rejected.

The only point for determination in this reference is whether the three concerned workmen are entitled to get the pay scale of Clerical Grade-I.

The workmen and the management each have examined one witness in support of their respective case. The workmen have produced three documents which are marked Ext. W-1 to W-3 and the documents produced on behalf of the management are marked Ext. M-1 to M-6.

Most of the facts of the case are admitted. The three concerned workmen are permanent workers. They were working in the Weigh Bridge section of Chasnalla colliery and were formerly placed in Clerical Grade-II. It is also admitted that they were asked to perform some extra duties besides the normal duties at the weigh bridge and for that they were placed in Clerical Grade-I and were paid the wages of Clerical Grade-I. It is also admitted that the concerned workmen while performing the extra jobs besides their normal jobs at the weigh bridge from 1-5-82 for 9 months were paid the wages of Clerical Grade-I and thereafter the management did not pay them the wages of Clerical Grade-I. The difference in the facts of the case arise from this stage. The case of the management is that they stopped taking extra work which had been entrusted to the concerned workmen with effect from 1-5-82 after 9 months and as such thereafter the concerned workmen were doing

their normal jobs which they were performing prior to 1-5-1982 and were paid their previous wages of Clerical Grade-II. The case of the workmen, on the other hand, is that they were performing the extra job entrusted to them even after they had completed 9 months after 1-5-82, but the management all on a sudden stopped them the wages of Clerical Grade-I without informing them and without giving them any notice. The workmen claim that as they were still performing the extra job which they were performing during the period they were getting the wages of Clerical Grade-I, the management should pay them the wages of Clerical Grade-I.

It will appear from para-3 of the W.S. of the management that in 1982 the management wanted to have three senior employees in the weigh bridge section with certain specific and special function and for that the posts were advertised for direct recruitment. It is further stated that Clerks in Grade-II in the Weigh Bridge section objected to the said direct recruitment and claimed that they should be first considered before any direct recruitment was made and in order to further press their demand the concerned workmen filed a civil suit which was later on withdrawn after the matter was discussed directly between the management and the weigh bridge clerks. It is also stated in para-9 that following the discussion the management made an adhoc arrangement whereby the three concerned workmen were asked to perform the special and additional function vide letter dt. 28-4-82 and an officiating arrangement was made by placing them in Clerical Grade-I. In the background of the said facts stated in the W.S. of the management it will appear that Ext. W-1 is the minutes of discussion held in 2-4-81 between the representative of the management and the union of the workmen. It will appear from Ext. W-1 that meeting was held regarding filling of vacancies at the Weigh Bridge by upgradation of weigh bridge staff which was held up since September, 1979. It will appear that the matter was discussed in full length and it was agreed by the parties as follows :—

- (a) Upgradation of clerks at Grade-II to Grade-I of W.B. Section will be from among the existing staff of W.B. Section and as agreed by the then C.E. (C) Mr. S.P. Puri in Sept. '79.
- (b) That the long pending cases of filling of vacancies by upgradation of existing staff of W.B. Section from Cl. Grade II to Cl. Grade I will be finalised within the shortest possible period by the management.
- (c) That the cases pending in Dhanbad Court will be withdrawn by the Staff Association.

A copy of the said minute of discussion was sent to the C.M.L. Chasnalla with a request to see that the staff under him are given promotion so that they may not be demoralised and can work with greater vigour and sincerity and that as assured the cases pending at Dhanbad Court was being withdrawn on the above assurance. It will appear from this that the management was to upgrade clerical Grade-II Clerks to Clerical Grade-I in the Weigh Bridge section from amongst the existing staff of Weigh Bridge section alone. It was for this reason that an office order as Ext. W-2 dt. 1-5-82 was passed by the Administrative Officer. It is stated in Ext. W-2 that in addition to their duties as Weigh Bridge Clerk S/Shri R. N. Singh, Ekbal Singh and Shri S. N. Jha (all the three concerned workmen) have been given responsibility of shift also from 1-5-82 and that they will check and report of staff attendance at the site and will coordinate with washery and will solve petty site problems. The Dy. Manager, Personnel issued letters Ext. M-1, M-2 and M-3 dt. 28-4-82 by which the three concerned workmen were given additional duties as stated in Ext. W-2. Para-11 of Ext. M-1 will show that the concerned workmen were entitled for officiating allowance for Clerical Grade-I purely on temporary basis for a period of 3 months with effect from 1-5-82. It is also mentioned in Ext. M-3 which is equivalent to Ext. W-3 that the concerned workmen were told that in case their performance and conduct are found unsatisfactory during the officiating period the arrangement will be withdrawn without any notice. Ext. M-4 to M-5 are letters issued to the three concerned workmen dt. 3/4-9-82 showing that the jobs as stated under letter

dt. 28-4-82 in addition to their normal jobs as Weigh Bridge Clerk is extended for further period of 3 months with effect from 1-8-82 and that they will be entitled for officiating allowance for Clerical Grade-I for a period of 3 months with effect from 1-8-82. I have stated the salient features of the exhibits filed on behalf of both the parties Ext. W-1 clearly shows that upgradation of Clerical Grade-II to Clerical Grade-I in the Weigh Bridge section was to be made from the existing staff of Weigh Bridge section and as such the concerned workmen who were given clerical Grade-I was not a case of promotion from Clerical Grade-II to Clerical Grade-I but was a case of upgradation from Clerical Grade-II to Clerical Grade-I of the Weigh Bridge section. There is no mention in Ext. W-1 that the said upgradation was to be made on experimental basis. In Ext. W-2 also there is no mention of the fact that the concerned workmen were given to do the additional job only for a temporary period or that their upgradation to Clerical Grade-I was a temporary measure by way of experiment in in the department. Even Ext. W-3 which was the letter given to the concerned workman Shri S. N. Jha in which the additional duties to be performed by him was stated does not show that the job entrusted to him was on experimental basis and was of a temporary nature. It is clearly stated in Ext. W-3 that in case the performance and conduct of the workmen are found unsatisfactory during the officiating period the arrangement will be withdrawn. There is absolutely no evidence on the records to show that the performance and conduct of the concerned workmen were found to be unsatisfactory during officiating period and as such there was no reason for withdrawing the appointment made by the management. MW-1 Shri G. M. Verma was the Administrative Officer who was incharge of the Weigh Bridge and he has not stated that the performance and conduct of any of the concerned workman was found to be unsatisfactory. Ext. W-3 clearly shows that the concerned workmen were placed to officiate in a permanent post as envisaged in Ext. W-1.

Admittedly no notice was given to the concerned workmen that they were required to do the extra jobs which was entrusted to them vide Ext. M-1 to M-3, WW-1 R. N. Singh is one of the concerned workman who has stated that they are performing all the additional duties directed to them vide Ext. M-1 to M-3 since the date of order till today. In his cross-examination he has denied that the arrangement made vide Ext. M-1 to M-3 were on experimental basis for a temporary period and that the arrangement made by the management was found not to be satisfactory and as such the arrangement was stopped. He has denied that when their allowance of Grade-I was stopped their additional work was also stopped by the management. MW-1 does not appear to have come with a clean breast. Admittedly, there was a meeting between the management and the union representative by which upgradation was to be made from Grade-II to Grade-I of Weigh Bridge section vide Ext. W-1 but this witness has expressed his ignorance whether a meeting was held on 2-4-81 at the Hisco Executive Office at Chasnalla between the management and the staff representative on the issue relating to the concerned workmen although he was holding the post of Administrative Officer of Chasnalla colliery since 1980. He has tried to show that the work which was being performed by the three concerned workmen was being performed by a junior supervisor after the additional work of the concerned workmen were stopped. In his examination-in-chief he has stated that the additional jobs which the concerned workmen were performing is now being done by the junior supervisor. In cross-examination he has stated that only one person is doing the additional work which the concerned workmen were doing in all the three shifts. This arrangement as stated by MW-1 appears to be a complete absurdity. One junior supervisor cannot be expected to do the job which was being performed by the three concerned workmen and that too in all the three shifts which would engage him for all the 24 hours in a day. It appears therefore that the case of the workmen that they are still performing the additional jobs which were being performed by them appears to be correct. Had the management and desire to stop them from doing the additional jobs, the management must have issued letters to them that those additional jobs are not to be performed by them and will be performed by other junior superior. From the nature of the documents

and evidence it is clear that the concerned workmen were asked to officiate in Clerical Grade-I by upgrading them from Clerical Grade-II to Clerical Grade-I and as their work was not unsatisfactory and there was nothing against their conduct, they are entitled to continue in Clerical Grade-I. More so when they were still performing the additional work of clerical Grade-I entrusted to them.

Taking all the facts, evidence and circumstances of the case into consideration it appears that the concerned workmen were upgraded from Clerical Grade-II to Clerical Grade-I in the permanent post which was lying vacant since September, 1979 (vide Ext.-1) and that the concerned workmen were ordered to officiate in the said clerical Grade-I and as their performance and conduct was not found to be unsatisfactory they were not liable to be degraded to Clerical Grade-II. As admittedly the concerned workmen were paid the wages of Clerical Grade-I for 9 months there is no reason as to why they will not continue to receive wages of Clerical Grade-I after the stoppage of their wages of Clerical Grade-I when they are still doing the job which was entrusted to them.

In the result, I hold that the demand of R.C.M.S. union that the management of Chasnalla colliery of M/s. IISCO should give the pay scale of Clerical Grade-I regularly to the concerned workmen Shri R. N. Singh, Ekbal Singh and S. N. Jha is justified. The management is directed to pay the difference of wages of Clerical Grade-I and Clerical Grade-II to the concerned workmen from the date of stoppage of their wages of Clerical Grade-I within one month from the date of publication of the Award in the Gazette of India.

This is my Award.

[No. L-20012(59)/85-D. II(A)]

I. N. SINHA, Presiding Officer

कां.प्र. 3485 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खड़खारी कोलियरी मैसर्स भारत कोकिंग कोल लिमिटेड के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिक्रिया, संख्या -1 के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 23 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3485.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 23rd November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under section 10(1)(c) of the Industrial Disputes Act, 1947.

Reference No. 54 of 1984

PARTIES :

Employers in relation to the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri B. Joshi, Advocate
For the Workman—None.

STATE : Bihar.

INDUSTRY : Coal

Dhanbad, dated the 16th November, 1987

AWARD

The present reference arises out of Order No. L-20012-(161)84-D.III(A), dated, the 3rd August, 1984, passed by the Central Government in respect of an Industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows:—

“Whether the action of the management of Kharkharee Colliery of M/s. Bharat Coking Coal Limited in denying employment to S/Shri Sitaram Manjhi and Hopna Manjhi without conducting a proper departmental enquiry for their misconduct is justified? If not, to what relief these workmen are entitled?”

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the memorandum of settlement. I accept it and make an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

[No. L-20012(161)/84-D.III(A)]

FORM 'H'

[See Rule 58(4)]

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF GOVINDPUR AREA AND BCKU UNION

Management's Representative:

1. Sri G. B. Rai,
General Manager,
Govindpur Area

Union Representative
1. Sri Raj Nandan Singh,
Vice President,
BCKU.

Short Recital of the case

The BCKU Union represented the cases of the under-noted struck off from the rolls of the different collieries as indicated against their name from time to time and also through conciliation machinery. The Union contention was that their names have been struck off from the rolls of the colliery without observing formalities i.e. without issue of proper charge-sheet, holding departmental enquiries etc. and the management contained that they were not interested in their jobs and hence they abandoned their employment themselves. After prolonged discussion both the parties agreed to settle the disputes on the following terms and conditions:—

Disputes

1. Sri Shima Bhuia and 14 others, Kharkharee Colliery as per list enclosed Annexure-A.
2. Sri Maharaj Dusadh and 30 others, Dhammaband colliery, as per list enclosed Annexure-B.
3. Sri Kirti Mhato and Fida Hussain, Kharkharee Colliery.

Terms and Conditions

1. The workers shall be allowed to resume duty as Miners/Loaders subject to the following conditions—
 - (a) They must be below 45 years of age.
 - (b) The period of absence shall be treated as dies-non and the workers will not be entitled to any benefit whatsoever.

2. The management agreed to send letters in the names and addresses of the workers to report for duty within a week of the receipt of the management's letter.
3. On report for duty they shall be medically examined for their medical fitness.
4. The workers shall be allowed to resume duty only after proper identification with their identity cards, B Form register and with their photographs affixed on the identity card register maintained at the units. In case identity card is not available with the workmen they will be allowed on proper identification.

This is full and final settlement and the union agreed to withdraw the disputes and representations and also will not claim anything beyond the above terms and conditions.

For Management

For the Union/Workmen

Sd/-

(S. B. RAI)

General Manager

Sd/-

(Raj Mandan Singh)
Vice President, BCKU.

Witnesses :—

- 1.
- 2.
- 3.

Sl. No.	Name	Id. Card No.
1.	Sri Bihari Manjhi	13164
2.	" Sitaram Manjhi	12405
3.	" Hopna Manjhi	12779
4.	" Keshar Bowari	12877
5.	" Sahadeo Bhuia	177
6.	" Ram Dhari Ray Form	D/361507
7.	" Bhima Bhuia, S/O Kishun Bhuia	CMP F. No. D/56005
8.	" Kirit Mahato	13044/ML
9.	" Triloki Ahir	CMPF No. D/340001
10.	" Set Narain Singh	D/412253
11.	" Meghu Bhar	D/1300201
12.	" Shankar Ahir	D/037721
13.	" Dukhu Manjhi	D/410784
14.	" Sukla Singh	D/439920
15.	" Batohi Bhar	Id. No. 12924

Part of the Award

नई दिल्ली, 27 नवम्बर, 1987

का.प्र. 3486—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ गोविन्द पुर कोयली, मैसर्स भारत कोकिंग कोल लिमिटेड के प्रवर्धन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 27th November, 1987

S.O. 3486.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South Govindpur Colliery of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 125 of 1985

PRESENT :

In the matter of industrial dispute under section 10(1)-(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of South Govindpur Colliery of Messrs. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri S. Bose, Secretary, R.C.M.S., Dhanbad.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 17th November, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(96)/85-D.-III(A), dated the 22nd August, 1985.

SCHEDULE

"Whether the demand of Rashtriya Colliery Mazdoor Sangh Dhanbad for providing employment on a regular basis to Shri Nand Singh, former Miners' Sirdar, Keeping in view the understanding/decision reached between the management and the unions in the Central Consultative Committee Meeting, after abolition of Sirdari system by the management of South Govindpur Colliery of M/s Bharat Coking Coal Limited, is justified? If so, to what relief the said workman is entitled and from what date?"

The case of the workman is that the concerned person Shri Nand Singh was earlier engaged as Sirdar in "Diamond Tetturiya Colliery" Section which was under the earstwhile management and was subsequently merged with South Govindpur Colliery after its takeover and nationalisation. The concerned person was a miner's sirdar of South Govindpur Colliery since before the nationalisation and he also continued to be a miner's sirdar after nationalisation for the period from 1965 to 1976. Initially the workmen recruited by the concerned person were engaged as miners/loaders and the concerned person was paid commission on the output of the labour force supplied by him. The Sirdari commission paid to the concerned person was at the rate of 0.10 P. per tonne output made by the workmen employed by the concerned person. Subsequently the workers under the concerned person were made to perform duties of wagon loaders and the Sirdari commission of the concerned person remained at the same rate of 0.10 P. of output. The concerned person received the payment of his commission for the said job till 1976 although by virtue of a policy decision the Sirdari system on commission was stopped from some time in 1974 and the Sirdars were absorbed by the RCCL in suitable jobs. The concerned person was not absorbed in the regular employment of BCCL and hence an industrial dispute was raised on his behalf by R.C.M.S. union. On the above plea it is submitted by the workmen that the concerned person Shri Nand Singh is entitled to be absorbed in the employment as Loading Supervisor in which position he had worked last in BCCL prior to his stoppage in 1976 with proper fixation of his pay and emolument as has been done in the case of many other Sirdars like him.

The case of the management is that the concerned person was not a workman. At the time of nationalisation of the Coal Mines the concerned person was getting Sirdari Commission computed per tonnage basis on the quantity of coal loaded into wagon by the workmen engaged by him in one of the collieries which was subsequently amalgamated to the present South Govindpur Colliery. The concerned person was not on the roll of colliery and he was not performing

any job in the colliery. The concerned person was recruiting casual wagon loader and supplying them to the management for which he was paid Commission for rendering such service. There were several recruitment agents to supply labourers to the collieries. The recruiting agents and the Sirdars used to get commission. The Mine's sirdar and the trammer's sirdar themselves used to work and they were treated as workmen. The recruiting agents were treated as representative of the management and as such were agents and not the workmen of the management. With availability of surplus workmen in the coal industry, a new type of Sirdari system was developed solely for the purpose of maintaining workmen on casual pool and the said Sirdar were paid commission for recruiting casual wagon loaders and helping them to maintain such workmen on casual pool. After nationalisation of the coal industry the BCCL stopped the loading of wagon through contract labour on commission in the year 1973. Thereafter the Loading contractor as well as loading sirdar became redundant. The casual wagon loaders were recruited by the management directly and the provisions were made for making casual wagon loaders permanent. The concerned person was no longer required to recruit casual wagon loaders for the management from September, 1973 and as such he was no longer paid any commission. The management had taken the miners and trammers Sirdar on the roll as workmen as they were falling within the definition of workman. In some cases the miners and trammers Sirdar did not strictly fall within the definition of workman but those who were physically suitable to be employed as miners, trammers or on some other manual hard jobs were taken in employment by the management. The concerned person was not a workman and was physically unfit to be appointed as workman to carry on any manual job and as such his case for employment was dropped without further consideration. The union of workmen was fully satisfied with the above approach of the management in properly implementing the understanding reached at the joint consultative committee and did not raise any dispute with any seriousness. The raising of the present dispute after a lapse of about 12 years is a gambling in litigation. On the above plea the management has prayed that the concerned person is not entitled to any relief. Irf.

The question to be determined is whether the concerned person should be provided with regular employment keeping in view the understanding/decision reached between the management and the union in the Central consultative committee meeting after abolition of Sardari system by the management of South Govindpur Colliery.

The workmen examined two witnesses and the management examined one witness to prove their respective case.

The management got two documents exhibited in this case which are marked Ext. M-1 & M-2. The workmen also got two documents exhibited namely Ext. W-1 and W-2. Some of the facts of this case are admitted. It is admitted that the concerned person Shri Nand Singh was working as a Sirdar since before the nationalisation of the Coal Mines and that he also continued to work as Sirdar after nationalisation. It will appear from Ext. M-1 and M-2 that the concerned person had received Sirdari commission upto 7-7-73. Ext. M-1 and M-2 will further show that he was getting the Sirdari commission for wagon loading. Even MW-1 has stated in his evidence that the concerned person was a Loading Sirdar and was supplying labour for wagon loading and was getting commission on it. He has stated that the Sirdar who were working in some capacity of the colliery continued to work in that capacity after the abolition of the Sardari system and those Sirdars who were not working in mine were not given any employment after the abolition of the Sirdari system. He has further stated that as the concerned person was a Sirdar not working in the mine himself was not given employment after abolition of Sirdari system. Thus according to the evidence it appears that those Sirdars who were working in a mine were given employment but those who were not working in the mine were not given employment. WW-1 is the concerned person Shri Nand Singh himself. He has stated that prior to nationalisation he was working as Quarry Miner Sirdar in South Govindpur Colliery and had worked in that capacity from 1965 to 1973 and he used to get commission of 10P per tonne for the said job. He has

stated that all the labourers working under him were given employment by the management of BCCL after the nationalisation. He has further stated that he had also worked as commission Sirdar in Wagon loading in BCCL and used to get commission of 10P per tonne. He has stated that he is quite fit to work and he does not suffer from any physical incapacity. He has pointed in his evidence to the fact that the management had given employment to other Sirdar getting commission, but he was not given employment in cross-examination he has stated that his commission work was stopped from 1973 and that he had worked from 1971 to 1973 in BCCL. He has also stated that his workmen were working in the quarry from 1965 and when the quarry was stopped they were working as wagon loaders. WW-2 is a trade union leader in South Govindpur colliery had has stated that the concerned person was working as Sirdar on commission in South Govindpur colliery. He has stated that after the abolition of the Sirdar system some of the Sirdar who were previously working were given employment by BCCL. In cross-examination he has stated that he has not seen the papers on the basis of which the miner Sirdar or their dependents were given employment. It will thus appear from the evidence of the concerned person WW-1 himself that he had worked as Sirdar on commission till 1973 and thereafter his commission was stopped. There is no evidence to show that he had worked as Sirdar on commission till 1976.

The schedule of the order of reference shows that it has to be considered for providing employment to the concerned person keeping in view the understanding/decision reached between the union and the management in Central consultative committee after abolition of Sirdari system. It will therefore be worthwhile to peruse the recorded note of discussion of Central Consultative Committee meeting. Ext. W-1 is the record note of discussion of the Central Consultative Committee meeting held on 18-2-76. At page-4 of Ext. W-1 at Item No. VII(b) it will appear that the matter regarding the stoppage of Sirdari commission was decided. It is stated that the Sirdari commission was stopped strictly in accordance with the decision taken in the last consultative committee meeting held on 22-12-75. The union representative pointed out that the Sirdar whose commission had been stopped were not given employment as was agreed earlier. Thereafter it was agreed by the representative that all such cases would be reviewed to adjudge suitability of such person for employment expeditiously. The next document to be considered is Ext. W-2. Ext. W-2 dt. 1-7-76 by which the Director, Personnel of BCCL wrote to all General Managers for appointing a committee to interview non working miner sirdar for alternative employment consequent upon the abolition of miner's sirdar in BCCL. The Director (Personnel) had advised to interview all non working miner's Sirdar and to ascertain their suitability for specific job in the Area of the respect General Managers. It was further advised that only those non working miner Sirdars whose commission had been stopped from 1-2-1976 should be interviewed. As already discussed above it does not appear even from the evidence of the concerned person WW-1 that his commission was stopped from 1-2-76. On the contrary WW-1 has stated that his commission was stopped by BCCL from 1973. Thus it appears that the case of the concerned person has not been covered in view of the criteria laid down that the case of those Sirdars have to be considered whose commission has been stopped from 1-2-76.

In para-7 of the W.S. of the management it is stated that after the commission system was abolished the management took the miners/trammers Sirdar on the roll as workmen as they were falling within the definition of workman. It is further stated that in case the miner's and trammer's Sirdars did not fall within the definition of workmen in strict sense and were physically suitable to be employed as miners, trammers or on some manual hard jobs were taken in the employment. It appears therefore from the W.S. that the miners/trammers Sirdars who were not workmen were taken in employment. This appears to be in consonance with Ext. W-2 by which the non working miner Sirdars were asked to be ascertained about their suitability for specific jobs and not the wagon loading Sirdars. It will appear from the evidence of WW-1 that he had worked as Loading Sirdar from 1971 to 1973 under BCCL and there was no evidence on behalf of the workmen to show that the concerned person had worked as Miner/Trammer Sirdar since the time of take

over and nationalisation. Thus two facts stand against the concerned person. Firstly, he had worked as Loading Sirdar in BCCU and secondly, his commission was stopped in 1973 and he had not continued till 1-2-76. In view of the above the case of the concerned person is not covered by understanding/decision reached between the management and the union in the Central Consultative committee meeting after abolition of Sirdari system and therefore the claim of the concerned person for employment does not appear to be justified.

In the result, I hold that the demand of R.C.M.S. for providing employment on a regular basis to the concerned person Shri Nand Singh keeping in view the understanding/decision reached between the management and the union in the Central Consultative Committee meeting, after abolition of Sirdari system by the management of South Govindpur Colliery of M/s B.C.C.L. is not justified and consequently the concerned person is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(96)/85-D.II(A)]
P. V. SREEDHARAN, Desk Officer

नई दिल्ली, 30 नवम्बर, 1987

का.आ. 3487—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार सुप्रीमटेण्डेंट पोस्टल स्टोर्स डिपो, टेलीग्राफ एम पी सर्किल नागपुर, के प्रत्यक्षतंत्र में सम्बन्ध नियोक्तों और उनके कर्मचारों के बीच, अनुसूचन में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रतिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

New Delhi, the 30th November, 1987

S.O. 3487.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Superintendent of Postal Stores Depot, Telegraphs MP Circle, Nagpur and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, JABALPUR (M.P.)

1. Case No. CGIT/LC(R)(77) of 1984
(Shri M. C. Borkar, workman concerned)
2. Case No. CGIT/LC(R)(91) of 1984
(Shri R. B. Bahoria, workman concerned)

PARTIES :

Employers in relation to the management of Superintendent, Postal Store Depot, Madhya Pradesh Circle, GPO Compound, Nagpur (M.S.) and their workmen Shri Moreshwar Chingunji Borkar C/o Bajirao Mate Srihari Road, War Bi. 23, Shanti Nagar, Nagpur and Shri R. B. Bahoria, Behind Express Mill No. 3, Lodhi Area, Ganjipeth Road, Nagpur (M.S.)

APPEARANCES :

For workmen—Shri P. K. Mishra, Advocate.

For management—S/Shri V. V. Vidwans, Advocate,
S. V. Natu, Advocate.

INDUSTRY : Post and Telegraphs DISTRICT : Nagpur
(M.S.)

AWARD

Dated, November 16, 1987

The Central Government in the Ministry of Labour has, vide Notification No. L-40012(12)/84-D.II (B) dated 12th October, 1984 (Registered in this Tribunal as Case No.

CGIT/LC(R)(77)/84) referred the following dispute in respect of Shri Moreshwar Chingunji Borkar for adjudication.—

"Whether the action of the management of Supdt. P&T Postal Stores Depot M.P. Circle Nagpur in terminating the services of Shri Moreshwar Chingunji Borkar, Casual Mazdoor with effect from 14-10-1983 is justified? If not, to what relief the workman is entitled?"

By another Notification No. L-40012(11)/84-D.II (B) dated 21 October, 1983 (Registered in this Tribunal as Case No. CGIT/LC(R)(91)/84) has referred another dispute of the same management in respect of Shri R. B. Bahoria which is as under :—

"Whether the action of the management of Supdt. P&T Postal Stores Depot, M.P. Circle Nagpur in terminating the services of Shri R. B. Bahoria, Casual Mazdoor with effect from 14-10-1983 is justified? If not, to what relief is the workman entitled?"

2. Since the common question of law and facts are involved in both the references it will be convenient to dispose off together.

3. The case of the management is that a part of Godown of the Postal Stores Depot had collapsed, hence Godown was shifted and the services of the workman Shri M. C. Borkar and Shri R. B. Bahoria were utilised temporarily for shifting the postal articles after taking the personal interview through Employment Exchange. They respectively joined on 22-6-82 and 20-3-82 and they were paid @ Rs. 9 per day upto 14-10-1983 on which day their services were dispensed with for want of vacancy in Class IV Cadre. The workmen were not eligible for appointment in Group D Cadre on regular basis as they had not completed 240 days service in each year for two consecutive years as per the instructions of the department. Therefore they were not entitled to retrenchment compensation and as such they were not paid the same.

4. At the time of their appointment the workmen were taken in service on the clear understanding that they are being taken as casual mazdoors and their services would be terminated as soon as the work is completed.

5. The workmen have not disputed dates of their appointment. Their main dispute is about the alleged nature of their employment. Their plea is that they were taken on clear vacancy through the Employment Exchange and at no time they were intimated that they are being employed for a particular period. Their services were continuous. In fact, some of the candidates selected are still continued. Therefore their termination is in violation of regulation of the Government of India. They had completed 240 days continuous service. Therefore they are entitled to be reinstated with all consequential benefits.

6. In support of their case applicants gave their statement and relied on documents Ex. W-1 to Ex. W-7. On the other hand, management examined Shri Shankerrao Gaekwad and relied on documents Ex. M-1 to Ex. M-6.

7. Shri Shankerrao Gaekwad (MW-1) has admitted in his cross-examination that the workmen were appointed vide Ex. W-5. This order of appointment nowhere lays down that they are selected and appointed for a particular work. That their appointment was for a specific work is not supported by any reliable evidence. In fact Shri Gaekwad admitted that the shifting of store was completed within 14-2 months. Thereafter these workmen were engaged to work in the new store which continued continuously. He has also admitted that these workmen and 11 other workmen were appointed out of which 8 have been terminated and services of 3 are retained and they are still working. Therefore also it cannot be said that the work at the store was not of perennial nature. He has further admitted that these workmen were neither paid the retrenchment compensation nor given notice or pay in lieu of notice. They were also not informed that they have to appear in any examination for the regularisation of their services.

8. From the above it is proved that the post to which these workmen were appointed was of permanent nature and they were not appointed only for completing the particular work.

Their appointment order goes to show that their appointment was of permanent nature.

9. Management has in his cross-examination tried to show that during their tenure these workmen did not work continuously. Therefore taking the period of their employment in the year 1982-83 separately they cannot said to have completed 240 days service in a year. This plea is devoid of any substance for two reasons. Firstly management's own witness Shri Shankarrao Gaekwad (MW-1) has admitted that these workmen continuous to work continuously in shifting godown and thereafter fixing the shifted goods in the new godown. Secondly assuming for the sake of arguments as the management's record goes to show that they had worked in broken periods. Even then it does not help the cause of the management. Law on the point is well settled.

10. Learned Author Shri O. P. Malhotra in his book "The Law of Industrial Disputes" Fourth Edn. Vol. 2, relying various authorities at pages 1311-1312 has commented as under:—

"Sub-section (2) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered an un-interrupted service for a period of one year but he has rendered service for a period of 240 days during the period of 12 calendar months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in Sub-section (2a), it is necessary to determine first the service which is complained of as 'retrenchment'. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favour of the workman, pursuant to the deeming fiction enacted in sub-section (2), it will have to be assumed that the workman is in 'continuous service for a period of one year' and he will satisfy the eligibility qualifications enacted in Section 25-B."

In the case of Mohan Lal Vs. Management of M/s. Bharat Electronics Ltd. (AIR 1981 SC 1253) the Hon'ble Supreme Court held as under : —

"Niceties and semantics apart, termination by the employer of the service of a workman for any reason whatsoever would constitute retrenchment except in cases in the section itself."

In the instant case as has been discussed above, the management has not complied with the provisions of Sec. 25-F of the I. D. Act. Therefore the retrenchment is void ab initio.

11. Management in their pleading have admitted that during the year 1982-83 Shri M. C. Borker worked $193 + 287 = 480$ days and Shri Bahoria $346 + 228 = 573$ days. Thus taken from any angle workmen are admitted to have worked more than 240 days in the last preceding year. Definition of continuous service in Sub-section (1) of Sec. 25-B goes to show that even if the service of the workmen be interrupted but if the interruption is not on account of any fault of the workmen that period has to be taken into account. Admittedly in the instant case, the interruption of the service, if any, was not on account of any fault of both the present workmen. Therefore their service will be deemed to be continuous within the meaning of Sec. 25-B of the I. D. Act. As such their termination for whatsoever reasons will amount to retrenchment within the meaning of Sec. 25-F of the act. Management admittedly neither given any notice nor paid one month's pay in lieu of notice therefore their termination is void ab initio.

12. Besides this their termination is also against the communication dated 2-3-1981 of the Director General of Post Offices (Ex. M-6) in which it was clearly laid down that eligible casual mazdoors are those who have been recruited through the Employment Exchange and have completed 240 days service in each year for two consecutive years. It appears that this direction was not complied with on the misinterpretation of Sec. 25-B as I have already explained above.

13. For the reasons discussed above I hold and answer both the references that the action of the management of 87/1676 GI—6

Supdt. P & T Postal Stores Depot M.P. Circle Nagpur in terminating the services of Shri M.C. Borkar and Shri R. B. Bahoria with effect from 14-10-1983 is legal and unjustified. They are therefore entitled to be reinstated on the same post with effect from 14-10-1983 with full back wages and all ancillary reliefs. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-40012/12/84-D.II (B)]

नई दिल्ली, 1 दिसम्बर, 1987

का प्र. 3188 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वये में, केन्द्रिय सरकार, 57 फील्ड रेजिमेंट द्वारा 56 ए.पी.ओ. के प्रबन्धक के सम्मुख विवाद का और उनके कर्मचारियों के लोक अनुक्रम में निरूपित औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधिनियम त्रिपुर के पंचाल का प्रकाशन करता है, जो केन्द्रिय सरकार को 21-11-87 को प्राप्त हुआ था।

New Delhi, the 1st December, 1987

S.O. 3488.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur as shown in the annexure in the management of 57 Field Regiment C/o 56 A.P.O. and their workmen, which was received by the Central Government on the 24-11-87.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
RAJASHAN, JAIPUR

Case No. CII-64/84

Ref : Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L-13012(8)/83-D II(B) dated 2-7-84.

In the matter of an Industrial Dispute

BETWEEN

Shri Hanuman Lal S/o Shri Nathu Ram Civilian Carpenter

AND

Commanding Officer, 57 Field Regiment C/o 56 APO.

PRESENT :

Shri J. P. Bansal RHIS

For the Applicant

For the Opposite Party

Date of Award : 27th March, 1987

AWARD

The Under Secretary, Government of India, Ministry of Labour and Rehabilitation, New Delhi vide its above cited Order has referred the following dispute to this tribunal for adjudication as per law.

"Whether the termination of services of Shri Hanuman Lal, S/o Shri Nathu Ram, Civilian Carpenter by the Commanding Officer, 57 Field Regiment C/o 56 APO with effect from the 1st April, 1983 is justified? If not to what relief is the concerned workman entitled?"

2. The statement of claim was filed on behalf of the workman. No reply has been filed by the opposite party. Today also both the parties or their representatives are not present. It appears that there remains no dispute between the parties.

4. In the circumstances detailed above, a no dispute award is passed in the case. It may be sent to the Central Government for publication.

J. P. BANSAL, Presiding Officer

[No. L-13012/8/83-D.II(B)]

का.सं. 3489—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न रेलवे के प्रबन्धन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3489.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on the 24th November, 1987.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JAIPUR**

Case No. CJT-23/82

Reference : Government of India, Ministry of Labour,
New Delhi Order No. L41011(4)/81-D.II B dated
8th July, 1981.

In the matter of an Industrial Dispute

BETWEEN

Shri Amar Chand and Shri Deen Dayal Mehra, Ajmer.

AND

Divisional Personnel Officer, Western Railway, Ajmer.

PRESENT :

Shri J. P. Bansal, RHUS.

For the Applicants—Shri R. C. Narang.

For the Management—Shri B. S. Mathur.

Date of Award : 31st March, 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi vide its above quoted Order has referred the following dispute to this tribunal for adjudication under Section 10(1) of the Industrial Disputes Act 1947 :

“Whether the action of the Divisional Personnel Officer, Western Railway, Ajmer, in terminating services of Shri Amar Chand P. Khallasi under HTXR, Ajmer from 21-4-75 and of Shri Deen Dayal Mehra, Gangman, under PWI, Ajmer, from 8-4-75 is justified? If not, to what relief the workmen are entitled?”

2. In the statement of claim filed on behalf of the two employees Sarvashri Amar Chand and Deen Dayal Mehra, it has been alleged that Shri Amar Chand was employed under the Railway at Ajmer as substitute Khallasi on 1-9-70. He was given the status of a temporary employee on 1-3-71. He was medically examined and was found fit vide report dated 9-3-73. He was again made to undergo medical examination vide order dated 9-4-75. This time he was found medically unfit on 21-4-75. His service was terminated w.e.f. 21-4-75. No compensation was given to him. As regards Shri Deen Dayal, it has been alleged that he was appointed permanent Inspector for the first time on 21-1-61 under the Railways at Ajmer. Thereafter he worked on different posts of equal rank under the Railways until 20-11-64 when his services were terminated. The same day he was again re-employed as a temporary employee. On 29-10-65 he was employed as Artisan Khallasi. On 27-1-66 he was made temporary Khallasi. He was medically examined on 26-2-66 and was found fit. On 21-9-71 he was given the status of a temporary servant under the Railways. He was made to undergo medical examination for the second time in April, 1975. This time he was found medically unfit, vide report dated 8-4-75. Thereafter his services were terminated. No compensation was given to him. It was prayed that the employees be reinstated to their posts.

3. In the reply filed on behalf of the Railways, it has been admitted that both the employees Sarvashri Amar Chand and Deen Dayal were employed as temporary employees under the Railways. It was also admitted that each one of them was made to undergo medical examination for

the second time. It was also admitted that each one of them failed in the medical test. It has been alleged that after they failed the medical test they absented themselves and did not report themselves for duty. They were casual labourers. The question of paying any compensation to them did not arise. The employees were not retrenched. Their services were not terminated.

4. The employee Shri Amar Chand has in his affidavit deposes to the fact that he was employed under the railway for the first time on 1-9-70. He was given the status of temporary employee vide order dated 1-3-71. He was found medically fit on 9-3-73. He was made to undergo medical examination for the second time. He failed the medical test. His services were terminated. In his cross-examination he stated that he had some trouble in his eye. Shri Deen Dayal in his affidavit has reiterated the rates which have been given out in the statement of claim. He further states that he was not given any retrenchment benefit. His services were terminated illegally. In his cross-examination he states that in January, 1961 he was employed as casual labour under the railways. He does not know whether an employee is subject to medical examination at the time when he is made permanent. He failed the medical test. He further states that his services were terminated by the Railways because he was found medically unfit. He was not retrenched. He must have been given an alternative employment which was not given to him. He denied the suggestion that he remained ill for most of time during the was in the employment of railways.

5. In rebuttal Shri Shishu Pal Singh in his affidavit states that an employee under the Railways is made to undergo medical test at the time when he is given permanent employment. The employee Shri Amar Chand failed the medical test on 21-4-75. He was not entitled to any alternative employment. He absented himself from duty thereafter. In his cross-examination he states that wages equivalent to 15 days pay are given to an employee who is removed from service as a result of his failure in the medical test. In this case no compensation was given to Shri Amar Chand. Shri R. S. Sharma, UDC, states that Shri Deen Dayal was to be given permanent post. He was made to pass the medical test which is failed to do on 8-7-75. He was not entitled to any alternative employment. He was neither retrenched nor removed from service. In his cross-examination he states that the employee Shri Deen Dayal was not given any compensation after he failed to clear the medical test.

6. I have to decide whether it is a case of retrenchment as alleged by the employees or a case of failure on the part of the employees to report themselves for duty as put forward by the Railways. It is not in dispute before me that both the employees had worked for more than 240 days under the Railways before the respective dates on which their services came to an end in April, 1975. In a case of this type the provisions of Section 25F of the Act are applicable. In the present case no retrenchment compensation was given to any of the employees. Apart from this no notice or wages in lieu of notice were given to the employees. Thus the provisions contained in Section 25F were not complied with. The failure on the part of the employer to comply with the provisions of section 25F of the Act renders the retrenchment invalid.

7. Shri B. S. Mathur, learned representative appearing on behalf of the Railways, contends before me that it was not a case of retrenchment. Both the employees failed the medical test and stopped coming to the work. This contention has not impressed me. The employees took the matter to the Conciliation Officer and thus protested against the cessation of work. If they had not been interested in the work, they would not have tried to fight it out before the Conciliation Officer. Apart from this the Railways did not give to the employees any notice calling upon them to report themselves for duty. The Railways did not offer them the alternative employment as it should have done under Regulation 2605 of the Indian Railways Establishment Manual. This Regulation 2605 is applicable not only to the permanent employees but also to the temporary ones where they have failed to clear the medical test. The employees were admittedly the temporary employees. Admittedly, they failed to clear the medical test. In these circumstances it was the bounden duty of the Railways to provide them with alternative work which was not done in the present

case. Retrenchment is termination of service for any reason whatsoever. The Railways cannot shirk their responsibility by saying that the employees were not given any alternative employment because they failed the medical test. The failure on the part of the Railways to give them due compensation renders the virtual termination of their services invalid and inoperative.

8. In these circumstances, I make the award in favour of the employees Shri Amar Chand and Shri Deen Dayal Mehra and against the Railways to the effect that both of them shall be reinstated in service to the posts they were holding at the time of termination of services. It was 21-4-75 in the case of Shri Amar Chand and 8-4-75 in the case of Shri Deen Dayal. They will be entitled to get full back wages and other consequential benefits. The railways are free to give them alternative work as per rules and regulations.

9. Let the Award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-41011(4)/81-JD II(B)]

का. प्र. 3490—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार, वैस्टर्न रेलवे प्रशासन अजमेर के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचद को प्रकाशित करना है, जो केन्द्रीय सरकार को 25-11-87 को प्राप्त हुआ था।

S.O. 3490.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employees in relation to the management of Western Railway, Administration, Ajmer and their workmen, which was received by the Central Government on the 25-11-1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL RAJASTHAN, JAIPUR

No. CII-36/1983

Reference :

Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L 41012(48)/83-D.II (B) dated 3-2-1984.

In the matter of an Industrial Dispute

BETWEEN

Shri Jaleh Chand, represented by Western Railway Karamchhari Parishad, Ajmer.

AND

General Manager, Western Railway, Bombay.

AND

Additional Chief Engineer, Western Railway, Ajmer.

PRESENT

Shri J. P. Bansal, RMB

For the Union—Shri R. C. Narang.

For the Management :

Date of Award 31st March, 1987

AWARD

The Desk Officer, Government of India, Labour and Rehabilitation Ministry, New Delhi vide its above cited Order has referred the following dispute to this Tribunal for adjudication :

"Whether the Railway Administration is justified in reverting Shri Jaleh Chand from the post of HS Fitter Grade I to Gr. II although he was declared fit in trade test ? If not to what relief the workman is entitled ?"

2. After the receipt of the reference in the Tribunal, statement of claim was filed by the Union and reply thereto by

the management as well. The case was fixed for evidence of the management. Today Shri R. C. Narang appeared before the Tribunal and prayed that he wants to withdraw the case.

3. In the circumstances detailed above, a no dispute award is passed in the case, which may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-41012/48/83-D.II(B)]

नई दिल्ली, 3 दिसम्बर, 1987

का. प्र. 3491—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में, केन्द्रीय सरकार भारतीय खाद्य निगम, पंजाब क्षेत्र, चंडीगढ़ के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुसूचन में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचद को प्रकाशित करना है, जो केन्द्रीय सरकार को 25 नवम्बर 1987 को प्राप्त हुआ था।

New Delhi, the 3rd December, 1987

S.O. 3491.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employees in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 10/86.

PARTIES :

Employers in relation to the management of Food Corporation of India.

Vs.

Their Workman : Swinder Singh

APPEARANCES :

For the Workman—Sh. P. K. Singla,

For the Management—Sh. N. K. Zoham

INDUSTRY : F.C.I.

STATE : Punjab.

AWARD

Dated 17-11-1987

Vide Central Government Gazette Notification No. 42012(27)/82-FCI/D : IV(A)/D.V. dated 3rd December, 1986, the following dispute was referred by the Labour Ministry to this Tribunal for adjudication :—

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of Shri Swinder Singh Casual Watchman at FSD Guru Har Sahai with effect from 13-1-1982 is justified and legal ? If not, to what relief the workman is entitled ?"

2. Present reference was consolidated with I. D. 14/86 Re-Raj Kumar Hans Vs. FCI for the purpose of trial. The workman representative Shri P. K. Singla made a statement on behalf of the workman to the effect that since workman has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workman for want of prosecution.

Chandigarh.

17-11-1987.

M. K. BANSAL, Presiding Officer

[No. L-42012/27/82-FCI.D.V. IV(A)/D. V./D.II(B)]

का. आ. 3492.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम, पञ्जाब क्षेत्र, चण्डीगढ़ के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3492.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. I.D. 15/86

PARTIES :

Employers in relation to the management of Food Corporation of India.

Vs.

Their Workman : Darbar Singh.

APPEARANCES :

For the Workman—Sh. P. K. Singla.

For the Management—Sh. N. K. Zakhmi.

Industry : F.C.I. State : Punjab.

AWARD

Dated 17-11-1987

Vide Central Government Gazette Notification No. L-42012(28)/82-FCI/D. IV(A)/D.V. dated 27th December, 1985, the following dispute was referred by the Labour Ministry to this Tribunal for adjudication.

"Whether the action of the Management of FCI, Punjab Region, Chandigarh in terminating the services of Shri Darbar Singh, S/o Atma Singh, Casual Watchman at FSD Guru Har Sahai with effect from 13-1-82 is justified and legal? If not, what relief the workman is entitled to?"

2. Present reference was consolidated with I.D. 14/86 Re-Raj Kumar Hans Vs. FCI for the purpose of trial. The workman representative Shri P. K. Singla made a statement on behalf of the workman to the effect that since workman has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workman for want of prosecution.

Chandigarh.

17-11-1987

M. K. BANSAL, Presiding Officer.

[No. L-42012/28/82-FCI-D. IV(A)/D.V./D. II(B)]

का. आ. 3493.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, भारतीय खाद्य निगम, पञ्जाब क्षेत्र, चण्डीगढ़ के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3493.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workman which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 4/86.

PARTIES :

Employers in relation to the management of Food Corporation of India.

Vs.

Their workman : Santokh Singh.

APPEARANCES :

For the workman—Shri P. K. Singla.

For the management : Shri N. K. Zakhmi

INDUSTRY : FCI

STATE : PUNJAB

AWARD

Dated 17-11-1987

Vide Central Government Gazette Notification No. L-42012(22)/82-FCI/D. IV(A)/D.V. dated 26th December, 1985 the following dispute was referred by the Labour Ministry to this Tribunal for adjudication.

"Whether the action of the management of Food Corporation of India Punjab Region, Chandigarh in terminating the services of Shri Santokh Singh casual Watchman at FSD Guru Har Sahai with effect from 13-1-1982 is justified and legal? If not to what relief the workman is entitled to?"

2. Present reference was consolidated with I.D. 14/86 Re.—Raj Kumar Hans Vs. FCI for the purpose of trial. The workman representative Shri P. K. Singla made a statement on behalf of the workman to the effect that since workman has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workman for want of prosecution.

Chandigarh.

dt. 17-11-1987.

M. K. BANSAL, Presiding Officer

[No. L-42012/22/82-FCI/D. IV(A) D.V./D. II(B)]

का. आ. 3494.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दिविजन रेलवे मैनेजर वेस्टर्न रेलवे के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3494.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Divisional Railway Manager, Western Railway and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
RAJASTHAN, JAIPUR.

Case No. CIT-6/1981

REFERENCE:

Government of India, Ministry of Labour New Delhi
Order No. L-14011(16)/80-D.II(B) dated 18th
March 1981.

In the matter of an Industrial Dispute

BETWEEN

Smt. Chand Bai represented by Paschim Railway Karam-
chari Parishad, Phulera.

AND

The Divisional Railway Manager, W. Railway, Jaipur.
The Divisional Personnel Officer, W. R., Jaipur.

PRESENT:

Shri J. P. Bansal, BHJS.
For the Parishad—Shri R. C. Narang
For the Management—Shri B. S. Mathur.

Date of Award: 8th July, 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour
New Delhi vide Order No. L-14011(16)/80-D.II(B) dated
18th March, 1981 has referred the following dispute to this
tribunal for adjudication:

"Whether the Divisional Personnel Officer Western Rail-
way, Jaipur was justified in terminating the services
of Smt. Chand Bai Roll Making Woman, from 5th
March, 1979? If not, to what relief is the workman
entitled?"

2. The facts are these. It has been averred in the state-
ment of claim filed by Paschim Railway Karamchari Parishad,
Phulera, on behalf of the employee Smt. Chand Bai that she
was retired from service by the Railways on 5th March, 1979
at the time when she was working under Railway as a Roll
Maker in the carriage and works department at Phulera. She
was given the appointment on 22nd April, 1974. She did not
attain the age of superannuation of 58 years on 5th March,
1979.

3. In the reply it has been denied that Smt. Chand Bai
was a regular worker under the Railways. It has been averred
that she worked as a casual labourer. Whenever some labourer
was on leave Smt. Chand Bai was kept in his place. She
was retired vide order dated 16th June, 1979 on her attain-
ing the age of 58 years. Her husband was retired from the
Railways in 1967. In order to have his case settled after his
death certain forms were filled in. In one of those forms her
husband was entered as a man of 49 years of age at the time
of his death whereas she was shown as a woman of 47 years.
She completed her 58 years in 1978 whereas she was retired
in 1979.

4. I have to see whether Smt. Chand Bai attained the age
of 58 years in 1979 when she was refused work or was re-
tired by the Railways. Smt. Chand Bai in her affidavit has
reiterated the facts which have been averred in the statement
of claim. She states that in 1974, the year of his appointment,
she was 46 years of age. In 1980 when she got herself medi-
cally examined in SMS hospital at Jaipur she was put down
as a woman of 45 years of age. Thus she did not attain the
age of 58 years in 1979. She has not stood the test of cross-
examination which is levelled at her on her affidavit. She
states that she does not remember her date of birth. Nor does
she remember the year of her birth. Her son has been in
service for the past 16 or 17 years. He was employed at the
time when he was 16 years of age. Since she does not remem-
ber even the year of her birth, nothing to speak of date of
birth, no reliance can be placed upon her statement. I am
left to look up, examine and analyse the documentary evi-
dence relied upon by her. The first such document is the copy
of the certificate dated 21st September, 1974 which she obtain-
ed at the time of her first appointment. This certificate is of
no help to her. This is not a certificate of age. It simply

states her name as also the name of her deceased husband
and records age as 46 years. She was not examined for age.
She was examined only with respect to her vision. Thus this
document is of no help to her. The second document is the
copy of the medical certificate dated 28th January, 1980
which she is alleged to have obtained from SMS hospital,
Jaipur. It was at this time that she was examined for age.
The age is recorded as 45 years. This is a unreliable docu-
ment on the very face of it. As per the first document she
was 46 years of age in 1974. As per this document she is
45 years in 1980. Thus this document is not worth the paper
on which it is written. The third document is the copy of
D.P.O's Order, dated 16th March, 1974. This document is an
admitted document of both the parties. It was prepared to
settle the claim of her deceased husband after his death. It is
dated 16th March, 1974. It records that her husband was
about 48 years of age at the time of his death which occurred
on 5th February, 1967. It gives the ages of Smt. Chand Bai
and her sons and daughters. The eldest daughter Bimla is 28
years of age. If this is the position in 1967 then Smt. Chand
Bai must have been attained the age of 58 years in 1978. She
herself is 47 years of age as per the contents of this docu-
ment. This document was prepared at the time when there
was no dispute with regard to the age. It was prepared by the
Welfare Inspector of the Railways. I see no reason not to
believe or not to place reliance upon it. Taking this docu-
ment as correct Smt. Chand Bai must have entered this world
in 1920. Shri Narang, learned representative for the em-
ployee, contends before me that she was 47 years of age on
16th March, 1974 and not on 5th February, 1967. This con-
tention has no legs to stand upon. It has been clearly men-
tioned in this document that her husband was 48 years of
age on 5th February, 1967. It can fairly be concluded that
all these dates of birth relate to 5th February, 1967, the date
of death of Shri Ramphal, and not to 16th April, 1974 when
this document was prepared. Shri Narang has referred me
to the provisions contained in Section 145 of the Indian
Railway Establishment Code (Volume I), wherein the Rail-
ways are obligated to enter the date of birth of the em-
ployee in the service book. Shri Narang contends that such
date of birth was not recorded by the Railways. Nor was any
information given to the employee. This contention, though
plausible, holds no water. It refers to the mode and manner
in which the entry with regard to the date of birth may be
made. It does not obligate the tribunal to raise any presump-
tion with regard to age of the employee where the entry with
regard to date of birth has not been made in the service book
or where no information has been given to employee with
regard to his/her date of birth.

5. I, therefore, come to the conclusion that Smt. Chand
Bai attained the age of 58 years in 1978 and at the most on
5th March, 1979.

6. I make the award against the employee and in favour
of the Railways to the effect that the employee is not entitled
to any relief.

7. Let the award be sent to the Central Government for
publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-41011/16/80-D. II(B)]

का. आ. 3495.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार
बी सी जी वैक्सोन लेबोस्ट्री गुण्डी के प्रबंधन में सम्बद्ध
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट
औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट
को प्रकाशित करती है, जो केन्द्रीय सरकार का 23
नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3495.—In pursuance of section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the following award of the Industrial Tribu-
nal Madras as shown in the Annexure, in the industrial dis-
pute between the employers in relation to the management of
BCG Vaccine Laboratory Guindy and their workmen, which
was received by the Central Government on the 23rd Novem-
ber, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Thursday, the 12th day of November, 1987

PRESENT :

Thiru Fyzee Mahmood, B.Sc./B.L., Industrial Tribunal,
Industrial Dispute No. 14 of 1986

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of B.C.G. Vaccine Laboratory, Guindy, Madras-32)

BETWEEN

Thiru G. S. Sankaranarayanan,
C/o Shri G. S. Sundaram,
No. 89, Saravana Perumal Mudali Street,
Purasawalkam, Madras-600084.

AND

The Director,
B.C.G. Vaccine Laboratory, Guindy,
Madras-600032.

REFERENCE :

Order No. L-42012/17/85-D.II(B), dated 6-2-1986 of the Ministry of Labour, Government of India, New Delhi

This dispute coming on this day for final disposal in the presence of Thiru G. Rajan, Central Government Pleader appearing for the Management upon perusing the reference, claim and counter statements and other connected papers on record and the workman being absent, this Tribunal passed the following.

AWARD

This dispute between the workman and the Management of BCG Vaccine Laboratory, Guindy, Madras-32 arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-42012/17/85-D.II(B), dated 6th February, 1986 of the Ministry of Labour for adjudication of the following issue :

"Whether the action of the management of BCG Vaccine Laboratory, Guindy, Madras in terminating the services of Shri G. S. Sankaranarayanan, Caretaker with effect from 23rd March, 1983 vide their order dated 22nd March, 1983 is legal and justified? If not, to what relief the workman is entitled to?"

(2) Parties were served with summons.

(3) Petitioner-workman filed claim statement on 10th March, 1986 putting forth his claim. In repudiation thereof, the Management filed their counter statement on 29th April, 1986.

(4) In spite of several adjournments granted for enquiry, the Petitioner-workman did not attend the Court.

(5) Today also when the dispute was taken up for enquiry, the Petitioner-workman was absent and not represented. The Management was represented by counsel.

(6) Hence an award is passed dismissing the claim of the workman for default. No costs.

Dated, this 12th day of November, 1987.

FYZEE MAHMOOD, Presiding Officer
[No. L-42012/17/85-D.II(B)]

का.आ. 3496:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम पंजाब क्षेत्र चंडीगढ़ के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3496.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab region, Chandigarh and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 5/86

PARTIES :

Employers in relation to the management of Food Corporation of India.

Versus

Their workman : Mohinder Lal.

APPEARANCES :

For the workman—Shri P. K. Singla.

For the management—Shri N. K. Zakhmi.

INDUSTRY : FCI.

STAFF : Punjab.

AWARD

Dated, the 17th November, 1987

Vide Central Government, Gazette Notification No. L-42012(25)/82-FCI/D.IV(A)/D.V. dated 3rd of January, 1986, the following dispute was referred by the Labour Ministry to this Tribunal for adjudication :

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of Shri Mohinder Lal Casual Watchman at FSD Guru Har Sahai with effect from 13th January, 1982 is justified and legal? If not, to what relief the workman is entitled?"

2. Present reference was consolidated with I.D. 14/86 Re-Raj Kumar Hans Vs. FCI for the purpose of trial. The workman representative Shri P. K. Singla made a statement on behalf of the workman to the effect that since workman has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workman for want of prosecution.

Chandigarh,

17-11-1987.

M. K. BANSAL, Presiding Officer

[No. L-42012/25/82-FCI/D.IV(A)/D.V/D.II(B)]

का. आ. 3497:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम पंजाब क्षेत्र चंडीगढ़ के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3497.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the following award of the Central Government Industrial Tribunal Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH
Case No. I.D. 9/86

PARTIES:

Employers in relation to the management of Food Corporation of India.

Vs.

Their Workman: Ram Singh.

APPEARANCES:

For the workman: Shri P. K. Singla.

For the management: Sh. N. K. Zakhmi.

INDUSTRY: FCI.

STATE: Punjab.

AWARD

Dated, the 17th November, 1987

Vide Central Government, Gazette Notification No. L-42012 (23)/82-FCI/D.IV(A) D.V. dated 3rd of January, 1986, the following dispute was referred by the Labour Ministry to this Tribunal for adjudication:

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of Shri Ran Singh Casual Watchman at FSD Gurgaon Har Sahai with effect from 13-1-1982 is justified and legal? If not, to what relief the workman is entitled?"

2. Present reference was consolidated with I.D. 14/86 Re-Raj Kumar Hans Vs. FCI for the purpose of trial. The workman representative Shri P. K. Singla made a statement on behalf of the workman to the effect that since workman has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workman for want of prosecution.

Chandigarh:

17-11-1987

M. K. BANSAL, Presiding Officer
[No. L-42012/23/82-FCI/D.IV(A) D.V/D.II(B)]

का.आ. 3498.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम पंजाब क्षेत्र, चंडीगढ़ के प्रबंध-तंत्र में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचसद की प्रकाशित करती है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3498.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India, Punjab Region, Chandigarh and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 14/86

PARTIES:

Employers in relation to the management of Food Corporation of India.

AND

Their workmen: Raj Kumar Hans.

APPEARANCES:

For the workman: Shri P. K. Singla.

For the management: Shri N. K. Zakhmi.

INDUSTRY: FCI.

STATE: Punjab.

AWARD

Dated, the 17th November, 1987

Vide Central Government Gazette Notification No. L-42012(6)/83-D.II(B)/D.IV(B)/D.V. dated 27th December, 1985 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947 the following dispute was referred to this Tribunal for decision:

"Whether the action of the management of Food Corporation of India, Punjab Region, Chandigarh in terminating the services of S/Shri Raj Kumar Hans, Anil Kumar Hans watchmen with effect from 16-9-1982 is justified and legal? If not to what relief the workman concerned entitled?"

2. Whether the demand of Food Corporation of India Class IV Employees Union that the services of S/Shri Raj Kumar Hans, Anil Kumar Hans, Amar Singh and Swinder Singh employed on casual basis to be regularised and placed in the scale of Rs. 210—240 is justified? If yes, to what relief the concerned workmen are entitled?"

2. The workmen representative Shri P. K. Singla made a statement on behalf of the workmen to the fact that since workmen has been provided employment with the FCI so he does not want to press the reference. In view of the above the present reference is returned being answered against the workmen for want of prosecution.

Chandigarh:

17-11-1987.

M. K. BANSAL, Presiding Officer
[No. L-42012/6/83-D.II(B)]

का.आ. 3499.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न रेलवे के प्रबंधतंत्र में सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जयपुर के पंचसद की प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3499.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL

RAJASTHAN, JAIPUR

Case No. CIT-19/84

REFERENCE :

Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L-41012(17)/83-D. II(B), dated 30th November, 1983.

In the matter of an Industrial Dispute,

BETWEEN

D. P. Agarwal, Head Clerk, C&W Shop, Western Railway, Ajmer represented by the Secretary, Paschim Railway Karamchari Parishad, Ajmer.

AND

Management of Western Railway.
Addl. C.M.E. (W) Ajmer.

PRESENT :

Shri J. P. Bansal, RHJS.
For the Applicant: Shri R. C. Narang.
For the Management: Shri Mathur.

Dated of Award : 1st July, 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour and Rehabilitation, New Delhi vide its above cited notification has referred the following dispute to this tribunal for adjudication :

"Whether the recovery of Rs. 1520 from Shri D. P. Agarwal, Head Clerk C&W Shop, Western Railway, Ajmer towards issue of school passes in the years 1977 and 1980 for his son is justified? If not to what relief Shri Agarwal is entitled?"

2. It has been averred in the statement of claim put in by the Paschim Railway Karamchari Parishad, Ajmer, on behalf of the employee that the recovery of the amount of Rs. 1520 which is to be made from the employee Shri D. P. Agarwal by the Dy. C.M.E. (C&W), Ajmer, vide his letter dated 2-7-81 cannot be effected. The facts are these. In 1980 he was working under the railways as a clerk. He was posted at Ajmer. His son was studying as an Article Clerk in some firm in Bombay. Study Passes were issued to the son in 1979 and 1980. The amount which represents the fare cannot be recovered from the wages of the employee. The employee was not at fault. He asked for the passes and got them.

3. In reply the Railways have taken up the position that the passes issued to the son of the employee were irregular in that the employee was not entitled to the issuance of those passes. The reason was that the son was above 21 years of age. The short question that has cropped up for decision before me is whether the amount of Rs. 1520 which represents the fare, can be recovered from the wages of the employee or not? If is not in dispute before me that the passes were issued to the son of the employee in the years 1979 and 1980. It is also not in dispute before me that the son was above 21 years of age. The decision taken up by the employee is that the amount which represents the passes cannot be recovered from him. The passes once issued are deemed to have been issued to the employee. It has also been contended before me that the employee in the relevant years of 1980 was governed by the provisions of the Payment of Wages Act. An employee who is governed by the Payment of Wages Act cannot be made to refund the amount which was paid to him either in cash or in kind. In the present case the facility in form of passes was extended to the employee. As against this the case of the Railways is that the issuance of passes was irregular. The recovery can be effected in view of the provisions contained in para 105 of the India Railways Pass Manual 1977.

4. I have bestowed my careful consideration on the rival contentions and have come to the conclusion that the railways have got no case before me. In the first place, the facility in the form of passes was asked for by the employee and extended to him without any objection by the railways. It is a general principle of law that once the facility has been extended to the employee the employer cannot make any recovery in respect thereof. At the time this facility was extended to the employee no objection was raised from the side of the railways. It is too late in the day for the Railways to stage volteface and effect the recovery of the amount of Rs. 1520. In the second place, the provisions contained in para 105 of the Pass Manual make it very clear that cash recovery cannot be made in the case of an employee who is governed by the Payment of Wages Act. This refers to an irregular pass or PTO which has been issued to the employee.

5. In view of the facts discussed above, I make the award in favour of the employee and against the Railways to the effect that the Railway shall not effect the recovery of Rs. 1520 from the wages of the employee.

6. Let the award be sent to the Central Government for publication.

J. P. BANSAL, Presiding Officer
[No. L-41012/17/83-D. II(B)]

का.आ. 3500.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार, अधिशासी अभियन्ता, पी एंड टी, विभाग के प्रबंधन से सम्बद्ध मिजोंकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3500.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Executive Engineer P & T Department and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I. D. No. 15/86

In the matter of dispute between :

Shri Kamal S/o Shri Gabra, r/o Sector 10, Jhuggi
No. 13, R. K. Puram, New Delhi.

Versus

The Executive Engineer (Electrical), P & T, Electrical
Division No. III, 3, Community Centre, Naraina,
Mitra Building, New Delhi.

APPEARANCES :

Shri D. K. Heera—for the Workman.

Shri Narinder Chaudhary—for the Management.

AWARD

The Central Government in the Ministry of Labour vide notification No. L-40012(20)/85-D.II(B) dated 9th October, 1985 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Executive Engineer (Elect.) Post and Telegram, Electrical Division No. III, New Delhi in terminating the service of Shri Kamal daily rated Khalasi from 26-7-84 and denying him regular post of Khalasi for which Shri Kamal was

selected is justified? If not, to what relief the workman is entitled?"

2. Some of the uncontroverted facts are that the workman started working on muster roll at Community Centre, P&T Electrical Division No. III Naraina, New Delhi w.e.f. 19-8-80 and his services were terminated w.e.f. 26-7-1984. No notice or charge sheet was served upon the workman nor any wages in lieu of notice nor any retrenchment compensation was paid to him.

3. The case of the workman is that his name was sponsored for the regular post of Khalasi to Division No. I P&T, New Delhi on 25-7-83. Accordingly he was called for an interview for the said post on 25-9-83 in the office of Assistant Engineer (E) P&T, Electrical Sub-Division A/C Workshop, Sanchar Bhawan, New Delhi and he was selected for the post on 28-9-83. One Raj Khanna who is employed in Division No. I had good influence with the officers of the Management and he exercised his influence and with his interference, the workman was not finally selected for the post without assigning any reasons. In this way the Management was guilty of malpractice. Ultimately the workman was relieved from service on 26-7-84.

4. The case of the Management is that the workman was removed from service in accordance with terms of his daily rated employment and as such he is not entitled to any service benefits. Further, his selection for the post of regular Khalasi did not confer on him any rights for service benefits since he was never appointed against that post till the date of his removal. It was further stated that he was not found suitable for government service as per report of the police commissioner, Delhi. The attestation form of the workman was earlier sent to the Dy. Commissioner of Police by Electrical Division No. I (Coordination Division) by registered post on 23-11-83. But since no reply was received from the office of the Police Commissioner till February, 1984, another set of attestation forms of workman were despatched by the said office on 21-2-84. These secret papers as usual had to be sent by registered post but since the earlier papers were lost in transit on the insistence of the workman, the dealing clerk gave those papers to the workman by hand for delivery to the Police Head-quarters. Later, the verification certificate of the workman received from the Police Headquarter on 2-3-84 was found to be forged and having fictitious signatures. Thus, the original mistake lay with the Co-ordination Division for handing over the confidential papers to the workman and secondly manipulation took place in the office of the Deputy Commissioner of Police. It was further stated that a forged certificate with manipulation in police headquarters could not have been obtained without the involvement of the workman concerned. The Deputy Commissioner of Police had stated in his letter dated 19-5-84 that no such verification had been issued from his office and it was a clear case of forgery. The Deputy Commissioner of Police in his report had clearly stated that the employment of the workman in Government did not seem to be desirable and hence he was removed from service on 26-7-84 as he was working on muster roll.

5. The Management was given 225 number of opportunities to produce its evidence but it failed to adduce any evidence and hence the evidence of the Management was closed, on 29-9-87. The workman also did not produce any oral evidence and stated that the dispute may be decided on the basis of pleadings and documents placed on record.

6. At the outset, it may be observed that it is undisputed that the workman had been working with the Management continuously from 19-8-80 till 26-7-84. In any case it is not disputed that the workman had completed one year of continuous service in the 12 calendar months preceding the date of termination 26-7-83. Therefore, the workman had clearly sailed into the protection of the provisions of section 25-F of the Industrial Disputes Act. It appears that the Management is ignorant of the law because protection of section 25-F is available to the regular employees as well as to muster roll of casual employees. The termination of the service of the workman clearly amounted to retrenchment as it had not been done as a punishment inflicted by way of disciplinary action nor is this covered under any of the exceptions mentioned in section 2(oo) of the I.D. Act. Non-compliance with the mandatory provisions of section

25-F of the I.D. Act renders the order of termination invalid and void ab initio. Consequently the workman is entitled to be reinstated with continuity of service and with full back wages and it is ordered accordingly. Management shall, however, be at liberty to call for fresh police verification regarding the suitability of the workman for appointment on regular basis and to take action on the said report. The Management may also, if so advised, serve a charge sheet on the workmen if it believes that the workman had a hand in the forgery of the earlier verification certificate and take suitable disciplinary action by instituting a domestic enquiry under the rules and in accordance with the principles of natural justice. This reference is disposed of accordingly.

Further it is ordered that the requisite number of copies of this Award may be forwarded to the Central Government for necessary action at their end.

29th October, 1987.

G. S. KALRA, Presiding Officer

[No. L-40012/20/85-D.II(B)]

का. आ. 3501.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारतीय खाद्य निगम के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के र्चाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 25 नवम्बर, 1987 को प्राप्त हुआ था।

S.O. 3501.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Chandigarh, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on the 25th November, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 52/83

PARTIES :

Employers in relation to the management of Food Corporation of India.

AND

Their workmen.

CORRIGENDUM

Dated 17-11-1987

Vide Central Government gazette Notification No. L-42012(29)/81-FCI/D.IV(A) dated 11th March, 1982 issued under Section 10(1)(d) of the Industrial Disputes Act, 1947, the following dispute was referred to this tribunal for adjudication.

"Whether the action of the management of Food Corporation of India in terminating the services of Sarvshri Gulzar Mohd., Nachhatar Singh, Ajaib Singh, Gulshan Kumar, Surinder Singh son of Jagjit Singh, Surinder Singh S/o Dharam Singh, Surinder Singh Chopra son of Kartar Singh, Daljit Singh, Baljit Singh, Avtar Singh and Prem Kumar, is justified? If not to what relief are the workmen concerned entitled?"

2. My predecessor Shri I. P. Vasishth returned the Award dated 2-11-1984 in favour of the workmen. But in the Award the name of Gulshan Kumar specified in between the name of Ajaib Singh and Surinder Singh son of Jagjit Singh remained to be specified by mistake. So a corrigendum is

being issued here that the Award passed by my learned predecessor Shri I. P. Vasisth on 2-11-1984 be deemed to include the name of Gulshan Kumar also and will apply to his case too.

3. Information is sent to the Ministry for giving the corrigendum published in the Gazette.

Chandigarh.

17-11-1987.

M. K. BANSAL, Presiding Officer
[No. L-42012/29/81-FCI(D.IV(A)|D.V./D.II(B))
D.IV(A)/D.V/D.III(B)]

नई दिल्ली, 11 दिसम्बर, 1987

का.आ. 3502.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स इंडिया सिमेंट लि., संकरी वेस्ट के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-11-87 को प्राप्त हुआ था।

New Delhi, the 11th December, 1987

S.O. 3502.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras, as shown in the Annexure, in the industrial dispute between the employer in relation to the management of India Cements Limited, Sankari West and their workmen which was received by the Central Government on the 26th November, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU
MADRAS

Tuesday, the 17th day of November, 1987

PRESENT :

Thiru Fyzee Mahmood, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 13 of 1982

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of India Cements Limited, Sankari West, Salem District.)

BETWEEN

The workmen represented by :

1. The General Secretary,
Sankari Cement Alai Thozhilalar Munnetra Sangam,
Sankari West-637303.
2. The General Secretary,
India Cement Employees Union,
Sankari West-637303.

AND

The India Cements Limited,
Sankari West, Salem District.

REFERENCE :

Order No. L-29011/35/81-D.III (B), dated 23-2-1982 of the Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Wednesday, the 7th day of October, 1987 upon perusing the reference, claim and counter statement and all other material papers on record and upon hearing the arguments of Thiru K. Chandru, Advocate appearing for the workmen (for both Unions) and of Thiru S. Jayaraman, Advocate appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between the workmen and the Management of India Cements Limited, Sankari West, Salem District arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-29011/35/81-D.III (B), dated 23-2-1982 of the Ministry of Labour for adjudication of the following issue :

"Whether the denial of A Grade to B Grade drivers who have put in 5 years of service in the transport department and A Grade and B Grade to C Grade Drillers who have put in 10 years and 5 years of service respectively by the management of India Cements Limited, Sankari West, Salem District is justified. If not, to what relief are the workmen entitled?"

2. In the claim statement filed by Union No. 1, viz., Sankari Cement Alai Thozhilalar Munnetra Sangam, Sankari West in the dispute, it is stated that the service conditions of the workmen employed in the Cement Industries all over India were referred to an Arbitration Board which gave it award on 26-9-1978. The award is binding and enforceable against the Respondent-Management. Item 32 of Annexure-VI of the award classified motor vehicles drivers as A Grade and B Grade and Item 39 gave the description of Quarry Drillers which were divided into A, B and C Grades. The Respondent-Establishment had denied promotion to number of Drivers to A Grade even though they had put in more than 10 years of service. Similarly drillers are still be classified only as C Grade instead of their tenure of service. The Petitioner-Union No. 1 made a demand for re-classification of the existing drivers and drillers in appropriate grades in terms of the reference. Hence an award may be passed as prayed for.

3. In the claim statement filed by the Petitioner-Union No. 2 viz., India Cements Employees Union, Sankari West, the same averments as that of Union No. 1 have been made and it is prayed that seniority of Drivers and Drillers may be made in accordance with the terms of the reference.

4. In the counter statement filed by the Respondent-Management, the allegation made in the claim statement are denied. The Award of the Arbitration Board for Cement Industry in 1978 came into force on 1-10-1978. Annexure VI of this award deals with job description and classification in grades for operatives in the Cement Industry. Drivers have been categorised as Operatives and placed in B Grade and A Grade. Before the above order, there were B and C Grade Drivers employed by the Respondent, but subsequent to the award they have all been promoted to A and B Grade. This promotion had been done based on seniority-cum-merit in accordance with the Arbitration Award. In respect of Drillers, Annexure VI of the Award has classified them into three grades, namely, A, B and C. As soon as the award had come into force, all the Drillers had been promoted to 'C' Grade. The promotion of the Drillers to B Grade and A Grade would be done according to the discretion of the Management. It is stated that 22 Drillers had been promoted to B Grade on 1-4-1982. The demand for promotion of all the Drillers to B Grade is not justified. The claim of the Unions to promote all Drivers to 'A' Grade who had put in 5 years of service and all Drillers to 'A' Grade and 'B' Grade who had put in 10 years and 5 years of service respectively is unjustified. Annexure I and II to the counter statement gives the details regarding the Drivers and Drillers and the Grades held by them after the award. Hence the claim petition has to be rejected.

5. WW-1 Thiru S. K. Palaniappan, General Secretary of the Union, WW-2 Thiru M. Chellappan, Driver in 'B' Grade and WW-3 Thiru K. Perumal, Drillers in 'C' Grade were examined on behalf of the Petitioners and Exs. W-1 to W-3

marked in support of their case. On behalf of the Management, Thiru A. V. Muruganantham, Mechanical Engineer in the Transport Department of the Management-Concern was examined as MW-1 and Thiru G. Chandrasekaran, Mines Manager was examined as MW-2. Exs. M-1 to M-192 were marked on behalf of the Respondent-Management.

6. The point for consideration is as contained in the reference.

7. In the Respondent-Concern, the Drivers were classified into three grades, namely, A, B and C and in the quarry, Drillers were classified into four grades, viz., A, B, C and D. Subsequent to the promulgation of the award marked as Ex. W-1 effective from 1-10-1978, the Drivers were classified into two Grades A and B and the Drillers into three Grades, namely, A, B and C. The evidence of WW-1 and MW-2 clearly establishes that now there are only two Grades of Drivers, namely, A and B and all the Drillers had been absorbed into C Grade after the award and 24 of them had also been promoted to 'B' Grade. This is in accordance with the Award Ex. W-1, according to which as detailed in Annexure VI of the Award, the Drivers had to be classified only into two categories, namely A Grade and B Grade and the Quarry Drillers into three categories, namely A, B and C Grades. The main contention put forward on behalf of the Petitioner-Unions is that the Management had given promotions to the Drivers and Drillers and fixed them in the different categories arbitrarily and no criteria had been followed or guidelines fixed for promotion in the different grades of Drivers and Drillers. It is therefore that the Unions had sought that all B Grade Drivers who had put in 5 years of service should be automatically promoted to the A Grade and all C Grade Drillers who had put in 5 years of service should be automatically promoted to B Grade and all B Grade Drillers who had put in 10 years of service should be automatically promoted to A Grade.

8. The learned counsel for the Respondent has contended that the Petitioner-Unions had no right to direct the Management to grant promotions to Drivers and Drillers based on mere tenure of service of a number of years as prayed for. In this context, attention is drawn to Ex-M-1 which is the supplement to the main Award marked as Ex. W-1 dated 21-10-1978. Paragraphs 75 to 77 of Ext. M-1 which are relied upon read as follows :

75. While representative of the Federations contended that it should be seniority practically in all cases, and at all levels that should govern promotions, except, perhaps, in the case of highly-skilled where merit also should be given some consideration, the counsel for the CMA wanted that seniority-cum-merit should be the consideration. We respectfully agree with the decision of the Supreme Court in the several cases cited before us that both seniority and merit should form the criteria for promotions and should temper each other."

76. Our attention was drawn to the unanimous recommendations of the National Commission on Labour in this regard. At paragraph 8. 37 of the Report of the National Commission on Labour, the Commission has observed as follows :

"8.37 Seniority-cum-merit should be the basis of promotion where merit can be objectively tested. Merit is a term which includes efficiency, skill, aptitude, etc. While a combination of merit and seniority is desirable, the play of discretion in the matter of a selection cannot be overlooked. A sound management will always pursue a policy of properly balancing these factors. The policy can derive strength if worked in consultation with the workers. We recognise that no uniform standard can be laid down for all industries, all units within the same industry, or even all categories of workers in the same unit. Order firms have evolved policies as a result of years of experience and they are not dogmatic about the possibility of success of such policies elsewhere. As a general rule, we recommend that in the lower rungs,

particularly among the operative and clerical categories, seniority should be the basis for promotion. In respect of middle-management technical, supervisory and administrative personnel, seniority-cum-merit should be the criterion. For higher managerial, technical and administrative positions, merit alone should be the guiding factor."

77. These recommendations are also broadly in tune with the various decisions of the Supreme Court in this regard. We would therefore observe that the above unanimous recommendations of the National Commission on Labour, on which eminent representatives of employers also have served should guide the managements in their promotion policy, subject of course to the employee fulfilling the requirements we had laid down in our award in the previous reference. Since it has been admitted by the CMA in its written statement that they have not any laid down policies governing promotions, the CMA can consider adoption of the above unanimous recommendation of the National Commission on labour. This will not amount to interfering with the managerial function, as it will always be the right of the management to choose which employee should be promoted, and it is also the right of the trade unions or the workmen to challenge any decision made by the management, if it smacks of favouritism, victimisation or other unfair practices."

On the basis of this, it is argued that the question of criteria for promotions had been raised by the Unions and it was dealt with in the Award, wherein it was stated that seniority and merit should form the criteria for promotions for these categories. There is nothing in the award apart from classifying grades of drivers and drillers to grant them automatic promotions to higher cadre on their having served a period of 5 years or 10 years. Subsequently, there had been another Award marked as Ex. W-2, dated 20-7-1983 which had come into existence after this dispute was referred to on 23-2-1982. Page 36 of the Award in paras 236 to 238, the Arbitrators had dealt with the demand of the Skilled Artisans to be promoted to the next higher grade after every 5 years of service in that grade and had rejected the demand for automatic promotion as not justified. This is exactly the issue which is the subject of this reference and the parties to the dispute are bound by the award Ex. W-2, where similar demand had been rejected as Adverted to above. As stated earlier after the award Ex. W-1, all the Drillers in the D Grade had been fixed in the C Grade as disclosed by the oral evidence as well as Exs. M-80 to M-160. Subsequently, as disclosed by Exs. M-161 to M-182, 22 Drillers had been promoted from C Grade to B Grade. Exs. M-183 to M-187 also disclose that five other C Grade Drillers were promoted to B Grade on 29-6-1982. Exs. M-10 to M-62 establish that the Drivers had been promoted to A and B Grades. Exs. M-188 dated 24-4-1986 is a copy of the notice of termination of the Award Ex. W-2 issued under Section 19(6) of the Industrial Disputes Act by Akhil Bharatiya Cement Mazdoor Sangh and stating that a charter of demands would be submitted in due course. Ex. M-189 dated 30-4-1986 is a notice of termination of the Award Ex. W-2 expiring on 30-6-1986 issued by another Union, viz., Indian National Cement and Allied Workers Federation, Bombay. Ex. M-190 dated 11-9-1986 reveals that subsequent to the charter of demands raised by the Unions, an agreement had been reached for voluntary reference of the demands to Board of Arbitration and a copy of the Arbitration Agreement dated 9-9-1986 had been marked as Annexures 'A' and 'B' to this exhibit. Ex. M-191 is the copy of the notification dated 8-10-1986 issued by the Government of India, Ministry of Labour, New Delhi regarding the publication of the Arbitration Agreement.

9. The learned counsel for the Respondent has brought to my notice that Demand No. 40 in Ex. M-190, the Arbitration Agreement entered into deals with promotion and the demand is that all employees shall be promoted to a higher grade at least after every 10 years of service. This is now the subject matter of Arbitration Proceedings which are still pending. In the circumstances, the demand of the Unions for automatic promotion of 'B' Grade Drivers to 'A' Grade Drivers on completion of 5 years of service; 'C' Grade Drillers to 'B'

Grade Drillers on completion of 5 years of service and 'B' Grade Drillers to 'A' Grade Drillers on completion of 10 years of service is unjustified and cannot be accepted and the concerned workmen are not entitled to any relief. Award passed accordingly. No costs.

Dated, this 17th day of November, 1987.

FYZEE MAHMOOD, Industrial Tribunal

WITNESSES EXAMINED

For workmen :

WW-1—Thiru S. K. Palaniappan.
WW-2—Thiru M. Chellappan.
WW-3—Thiru K. Perumal.

For Management :

MW-1—Thiru A. V. Murugananthan.
MW-2—Thiru G. Chandrasekaran.

DOCUMENTS MARKED

For workmen :

Ex. W-1/21-10-78—The Gazette of India (No. 42) publishing the Arbitration Award of Cement Industries.
Ex. W-2/20-7-83—The Gazette of India (No. 313) publishing the Arbitration Award of Cement Industries.
Ex. W-3/18-10-70—Memo of Settlement u/s 18(1) of the I. D. Act, 1947 between the Star Construction and Transport Co., Sankari West and India Cements Employees' Union, Sankari West.

For Management :

Ex. M-1/16-12-78—The Gazette of India (No. 50) containing the Arbitration Award of Cement Industries.
Ex. M-2/19-7-67—Copy of appointment order issued by Star Construction and Transport Co., to Sri V. Natarajan.
Ex. M-3/19-7-67—Copy of appointment order issued by Star Construction and Transport Co., to Sri P. Mani.
Ex. M-4/29-9-87—Copy of appointment order issued to Thiru R. Kandasamy.
Ex. M-5/29-9-87—Copy of appointment order issued to Thiru M. Aramugam.
Ex. M-6/14-11-87—Copy of appointment order issued to Thiru S. Thambi.
Ex. M-7/25-4-68—Copy of appointment order issued to Thiru P. Muthu.
Ex. M-8/7-3-70—Copy of office order changing the designation of the 13 persons issued by Star Construction and Transport Co., Sankari West.
Ex. M-9/11-12-70—Copy of order of promotion issued by the Star Construction and Transport Co., Sankari West to K. Kolondaisamy and 5 others.
Ex. M-10/7-11-70—Copy of Office Order issued to Thiru P. K. Madhavan Nair and 9 others promoting them as 'B' Grade Driver.
Ex. M-11/18-8-71—Copy of Office Order issued to S. Muthusamy and 2 others promoting as 'C' Grade Drivers.
Ex. M-12/18-12-72—Copy of Office Order issued to M. Gopal and K. Ramasamy promoting as 'B' Grade Driver.
Ex. M-13/7-6-76—Office order issued to Thiruvalargal A. P. Ramasamy and 10 others promoting as 'B' Grade Drivers.
Ex. M-14 to M-33/22-3-79—Office Orders issued to Thiru M. Amrithalingam and 19 others appointing as 'B' from 'C' Grade.
Ex. M-33 to M-41/8-5-79—Office Orders issued to Thiru S. Pandian and 7 others.

Ex. M-42 to M-49/12-7-79—Orders issued to Thiru Peter John and 7 others appointing from 'B' Grade to 'A' Grade Drivers.
Ex. M-50/30-8-80—Copy of office order of M. Chellappan and K. Ramasamy appointing as 'B' Grade Drivers.
Ex. M-51/23-4-81—Copy of office order of Thiru A. P. Ramasamy and 2 others from 'B' to 'A' Grade Drivers.
Ex. M-52 to M-57/12-5-82—Office order of promotion issued to Thiru P. Mani and 5 others promoting from 'B' Grade to 'A' Grade.
Ex. M-58 to M-62/29-6-82—Office Order to M. Amrithalingam and 4 others promoting from 'B' Grade to 'A' Grade.
Ex. M-63 to M-67/7-9-67—Appointment Orders (copy) issued to Thiru P. K. Palaniappan and 4 others as Drillers.
Ex. M-68/30-11-67—Appointment Order (copy) issued to Thiru K. Krishnan as Drillers.
Ex. M-69 to M-73/22-1-68—Copy of orders issued to Thiru V. Kandasamy and 4 others as Drillers.
Ex. M-74/13-7-68—Copy of order to N. Arthanari as Driller.
Ex. M-75/26-8-68—Copy of order of appointment to V. Pakrisamy.
Ex. M-76/26-8-68—Copy of order of appointment to A. Ibrahim.
Ex. M-77/23-11-71—Copy of order of appointment to P. Senniappan and 13 others.
Ex. M-78/10-1-73—Copy of order of appointment to Perumal and 7 others.
Ex. M-79/14-5-76—Copy of order of appointment to Chinnappan and Muthusamy.
Ex. M-80 to M-159/23-3-79—Office orders issued to Thiru P. K. Palaniappan and 79 others from 'D' Grade to 'C' Grade Drillers.
Ex. M-160/29-5-80—Office Order (copy) issued to Thiru Chinnathambi and 6 others as Drillers 'C' Grade.
Ex. M-161 to M-182/12/14-5-82—Office Order of promotion issued to Thiru P. K. Palaniappan and 21 others from 'C' Grade Drillers to 'B' Grade.
Ex. M-183 to M-187/29-6-82—Office Order of promotion issued to Thiru R. Muthusamy and 4 others promoting from 'C' Grade to 'B' Grade Drillers.
Ex. M-188/24-4-86—Xerox copy of notice of termination of award—Gazette dated 20-7-83 (Ex. W-2) by Union.
Ex. M-189/30-4-86—Xerox copy of notice of termination of Award dated 11-7-83 issued by the Union.
Ex. M-190—Xerox copy of the letter from Cement Manufacturers' Association, Bombay to all members of the Association calling for the views and comments against the Arbitration Agreement dated 9-9-86 between the Association and I.N.C.A.W.F.
Ex. M-191/8-10-86—Xerox copy of notification issued by the Ministry of Labour, New Delhi regarding the publication of Arbitration reference.
Ex. M-192/9-12-86—Xerox copy of letter issued by the Cement Manufacturers' Association, Bombay to all Cement Units and others regarding the Region² bearing at Hyderabad on Arbitration work.

FYZEE MAHMOOD, Industrial Tribunal

[No. L-29011/35/81-D.II(B)]

HARI SINGH, Desk Officer

नई दिल्ली, 27 नवम्बर, 1987

का.अ. 3503.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व वेस्टर्न कोलफील्ड्स लिमिटेड, नागपुर के प्रबंधन से सम्बन्धित नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पक्षों को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-11-87 को प्राप्त हुआ था।

New Delhi, the 27th November, 1987

S.O. 3503.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur (MP), as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Nagpur and their workmen, which was received by the Central Government on the 23rd November, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—
CUM LABOUR COURT, JABALPUR (M.P.).

Case No. CGIT/LC(R)(9)/1981

PARTIES :

Employers in relation to the management of Sillewara Sub-Area of W.C.L., Nagpur and their workmen represented through 3 Unions namely Lalzhanda Coal Mines Mazdoor Union (CITU), Sillewara, Koyala Khadan Kamgar Sangh (AITUC), Sillewara and Bharatiya Koyala Khadan Mazdoor Sangh (BMS), Sillewara, District Nagpur (M.S.).

APPEARANCES :

For Management—Shri P. S. Nair, Advocate.

For Workmen—Late P. K. Thakur, Advocate for Koyala Khadan Kamgar Sangh. Late L. N. Mahrotra, Advocate for Lalzhanda Coal Mines Mazdoor Union Shri Anurudha Singh for BKKMS.

INDUSTRY : Coal DISTRICT : Nagpur (M.S.).

AWARD

Dated the 1987

The Central Government has referred the following dispute for adjudication vide Notification No. L-18011(2)/80-D-IV(B), dated 13th February, 1981, exercising powers conferred under Section 10(1)(d) of Industrial Disputes Act, 1947 :—

“Whether the action of the management of Western Coalfields Limited, Nagpur in relation to their Sillewara Group Coal Mines in dismissing the following 7 workmen is justified? If not, to what relief these 7 workmen are entitled?”

1. Shri R. K. Saxena
2. Shri Ransatar Nanku
3. Shri Anirudha Singh
4. Shri Fauzdar Singh
5. Shri Rajmi Suryavanshi
6. Shri Barilal Shiwpal
7. Shri Radheshyam Govinddas.

2. Parties to the dispute filed their pleadings and documents in respect of the above 7 workmen concerned. Thereafter the issues were framed and the case was fixed for evidence of parties. On 3-3-82 parties moved an application that a Commission may be issued for recording evidence of witnesses. Therefore, in consultation with the parties Shri P. V. Pandit, Advocate was appointed as Commissioner who submitted his report alongwith the record of evidence in February, 1983. But it was found that evidence of one witness Shri M.K. Jha, recorded by the Commissioner is not

available on record, therefore, Shri P. V. Pandit was asked to search out and submit the same. Since the Commissioner did not furnish the statement of Shri M. K. Jha, till 15-4-87, this Tribunal thought it fit to examine the witness by itself.

3. However, when the case was fixed for hearing on 29-6-87, parties informed this Tribunal that there is likelihood of the case being compromised mutually. Therefore, 10-7-87 was fixed for filing settlement. In the meantime on 3-7-87 the management's Counsel filed settlements in respect of two workmen concerned viz. S/Shri Ramji Suryavanshi and Anurudha Singh only. The settlements in respect of other five workers concerned were filed on 18-8-87. As already stated, the parties have filed seven settlements in respect of all the seven workmen concerned separately.

4. I have gone through the terms of settlements as incorporated in the compromise petitions and I am satisfied that they are fair, reasonable, just and in the interest of workmen concerned as well as the Unions. The compromise petitions shall form part of this award as Annexure 'A' to 'G'.

5. During the proceedings before the Commissioner, some costs were awarded by him against the management, which shall be paid to the workmen, if not already paid.

6. I, therefore, record my award in terms of settlements (Annexure 'A' to 'G') without any order as to costs of these proceedings.

V. S. YADAV, Presiding Officer

[No. L-18011(2)/80-D-IV(B)]

R. K. GUPTA, Desk Officer

ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref. : No. LC(R)/9/1981

PARTIES :

Anirudh S/o Ram Naresh Singh Ex-Time Keeper, Sillewara Colliery, W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Bhartiya Koyla Khadan Mazdoor Sangh (BMS) Union. Since the matter is pending for a long time, the applicant had decided to negotiate the dispute directly with the management. The applicant has also taken the assistance of RKKMS (INTUC). After detailed negotiations, the applicant has settled the dispute with the management on the following terms and conditions :

TERMS OF SETTLEMENT :

- (1) The management of W.C.L. will reinstate Shri Anirudh S/o Shri Ram Naresh Singh as Time Keeper within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal, i.e. 11-9-1979, till the date of reinstatement will be treated as dies-non and Shri Anirudh will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Shri Anirudh will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given

continuity of service for the limited purpose of payment of gratuity. As regards conduct, he will be guided by the relevant Standing Orders.

- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however, not be treated as precedent in any other cases.
- (8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Jabalpur,
Dt. 3-7-1987

Sd/- (illegible)
Workman

M. S. CHANDRA SHARMA
3-7-87

FOR MANAGEMENT
Dy. PM(N)
WITNESS:

P. L. TALUKDAR
ORG Secretary
RKKMS
(R. K. CHIB)
Sect. RKKMS
Nagpur

Sd/- Illegible

ANNEXURE 'B'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref : No. LC(R)9/1981

PARTIES :

R. K. Saxena
Ex-Mechanical Fitter,
Silewara Colliery, W.C.L.

Versus

Management of
Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Koyla Khadan Karmachari Sangh (AITUC) Union. The parties negotiated the disputes and entered into settlement on the following terms and conditions :

TERMS OF SETTLEMENT:

- (1) The management of W.C.L. will reinstate Shri R.K. Saxena as Mechanical Fitter within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal i.e. 11-9-1979, till the date of re-instatement will be treated as dies-non and Shri R. K. Saxena will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Shri R. K. Saxena will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of gratuity. As regards conduct, he will be guided by the relevant Standing Orders.

(5) Neither the workman nor his Union will claim any other benefits whatsoever.

(6) This settlement settles all disputes between the parties fully and finally.

(7) This settlement shall, however, not be treated as precedent in any other cases.

(8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Sd/- (illegible)
Workman

(M. M. Deshkar)
Convener

Co-ordination Committee

Koyla Khadan Karmachari Sangh (AITUC)
WCL

Nagpur : 17-8-87

Sd/- (illegible)
For management
6-7-87

Dy. PM(N)
witness :

1. Sd/- (illegible)
2. Sd/- (illegible)

ANNEXURE 'C'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref. No. LC(R)/9/1981

PARTIES :

Shri Radheshyam Govinddas, Ex-Store Issuer, Walni
Mine, W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Koyla Khadan Karmachari Sangh (AITUC) Union. The parties negotiated the dispute and entered into settlement on the following terms and conditions :

Terms of Settlement

- (1) The management of W.C.L. will re-instate Shri Radheshyam Govinddas as Store Issuer within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal i.e. 11-9-1979, till the date of reinstatement will be treated as dies-non and Shri Radheshyam Govinddas will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Shri Radheshyam Govinddas will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of gratuity. As regards conduct, he will be guided by the relevant Standing Orders.
- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however, not be treated as precedent in any other cases.

(8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Sd/-
(M. M. Deshkar)
Convener

Co-ordination Committee

Koyla Khadan Karamchari Sangh (AITUC)

W.C.L. Nagpur.

17-8-87

Workman

For Management :

Witness :

- 1.
- 2.

ANNEXURE 'D'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR

Ref. No. LC(R)/9/1981

PARTIES :

Harilal Shivpal, Ex-Loader, Walni Mine, W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Koyla Khadan Karamchari Sangh (AITUC) Union. The parties negotiated the dispute and entered into settlement on the following terms and conditions :

Terms of Settlement

- (1) The management of W.C.L. will reinstate Shri Harilal Shivpal as Loader within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal i.e. 11-9-1979, till the date of reinstatement will be treated as dies-non and Shri Harilal Shivpal will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Sri Harilal Shivpal will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of Gratuity. As regards conduct, he will be guided by the relevant Standing Orders.
- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however, not be treated as precedent in any other cases.
- (8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Sd/-
(M. M. Deshkar)
Convener

Co-ordination Committee

Koyla Khadan Karamchari Sangh (AITUC)

W.C.L.

Workman :

Harilal

For Management :

Nagpur,

Dated : 17-8-1987.

Witness :

- 1.
- 2.

ANNEXURE 'E'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, JABALPUR

Ref. No. LC(R)/9/1981

PARTIES :

Ramavtar Nanku, Ex-Loader, Silewara Colliery, W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Lalzanda Coal Mines Mazdoor Union (CITU). The parties negotiated the dispute and entered into settlement on the following terms and conditions :

Terms of Settlement

- (1) The management of W.C.L. will reinstate Shri Ramavtar Nanku as Loader within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal i.e. 11-9-1979 till the date of reinstatement will be treated as dies-non and Shri Ramavtar Nanku will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Sri Harilal Shivpal will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of Payment of Gratuity. As regards conduct, he will be guided by the relevant standing orders.
- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however not be treated as precedent in any other cases.
- (8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

(Md. Tajuddin)

General Secretary

Lalzanda Coal Mines Maz. Union

(CITU) Nagpur

Workman :

Ramavtar

For Management :

Dated : 17-8-1987.

Witness :

ANNEXURE 'F'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref. No. LC(R)/9/1981

PARTIES :

Fauzdar Singh Ex-Pump Khalasi, Silewara Colliery,
W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Koyla Khadan Karamchari Sangh (AITUC) Union. The parties negotiated the dispute and entered into settlement on the following terms and conditions :

Terms of Settlement

- (1) The management of W.C.L. will reinstate Shri Fauzdar Singh as Pump Khalasi within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal i.e. 11-9-1979, till the date of reinstatement will be treated as dies-non and Shri Fauzdar Singh will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Shri Fauzdar Singh will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of gratuity. As regards conduct, he will be guided by the relevant Standing Orders.
- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however, not be treated as precedent in any other cases.
- (8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Sd/-

(M. M. Deshkar)

Convener

Co-ordination Committee

Koyla Khadan Karamchari Sangh (AITUC)

W.C.L.

Sd/- (Illegible)

Workman :

For Management :

Witness :

ANNEXURE 'G'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL, JABALPUR

Ref. No. LC(R)/9/1981

PARTIES :

Ramjee Suryavanshi, S/o Shri Dongha, Ex-Overman,
Sillewara Colliery, W.C.L.

Versus

Management of Western Coalfields Limited.

The parties beg to submit as under :

1. That the Union of India was pleased to refer the dispute regarding termination of services of the applicant and other employees.

2. The applicant was a member of Koyla Khadan Karamchari Sangh (AITUC) Union. Since the matter is pending for a long time, the applicant had decided to negotiate the dispute directly with the management. The applicant has also taken the assistance of RKKMS (INTUC). After detailed negotiations, the applicant has settled the dispute with the management on the following terms and conditions :

Terms of Settlement

- (1) The management of W.C.L. will reinstate Shri Ramjee Suryavanshi S/o Shri Dongha as Overman within a week of settlement and the place of posting will be decided by the management.
- (2) The period of absence from the date of dismissal, i.e. 11-9-1979, till the date of reinstatement will be treated as dies-non and Shri Ramjee Suryavanshi will not be entitled for any wages or any other payment whatsoever for the period he remained out of employment.
- (3) Shri Ramjee Suryavanshi will give an assurance of good performance and conduct in writing before joining duties.
- (4) During initial period of one year, his performance shall be judged by the Samanvaya Samiti. On satisfactory completion of this period as per the report of the Samanvaya Samiti, he will be given continuity of service for the limited purpose of payment of gratuity. As regards conduct, he will be guided by the relevant Standing Orders.
- (5) Neither the workman nor his Union will claim any other benefits whatsoever.
- (6) This settlement settles all disputes between the parties fully and finally.
- (7) This settlement shall, however, not be treated as precedent in any other cases.
- (8) The parties shall file the settlement before the Hon'ble Tribunal and pray for an award in terms of settlement.

Jabalpur,

Dated : 3-7-1987.

Workman :

For Management :

Witness :

- 1.
- 2.

नई दिल्ली, 2 दिसम्बर, 1987

का. आ. 3504:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बम्बई मरकेन्टाइल को-ओपरेटिव बैंक लि. के प्रबंध-तंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनु-बंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बम्बई के पंचायत को प्रशिक्षित करती है, जो केन्द्रीय सरकार को 24-11-1987 को प्राप्त हुआ था।

New Delhi, the 2nd December, 1987

S.O. 3504.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 1, Bombay-1 has shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bombay Mercantile Co-op. Bank Limited and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

Reference No. CGIT-17 of 1987

PARTIES :

Employers in relation to the management of Bombay Mercantile Co-operative Bank Limited,

AND

Their workmen.

APPEARANCES :

For the Management : Mr. Pathan, Officer.

For the Workman : Mr. Shah Alam Khan, General Secretary, Bombay Mercantile Cooperative Bank Employees Union.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 2nd day of November, 1987

AWARD

The Central Government, in exercise of the powers conferred on it by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication,

"What should be the age of retirement of all the employees of Bombay Mercantile Co-operative Bank Ltd. and whether the retirement of Shri Syed Abdul Syed Rahman, watchman at the age of 58 years was justified? If not, to what relief is the workman concerned entitled to?"

2. During the course of hearing on the above dispute, on 2-11-1987, parties filed a settlement which they entered into on the following terms, and prayed that a consent award in terms of settlement be passed,

TERMS OF SETTLEMENT

"1. In regard to the Policy in respect of retirement of the employees the parties to the Agreement have agreed as under :

"Age of Retirement :

For employees in all cadres :

After an employee has reached the age of 57 years, he may be retired after giving him two months' notice in writing in case his efficiency is found by the employer to have been impaired.

Subject to this rule an employee shall not be compelled to retire before he is 60 years old nor will it be necessary to give an employee a letter extending his services till he is sixty years' old." This policy will be implemented from the date of settlement.

2. It is further agreed that Shri Sayed Mohammed Saved Abdul Rehman who has retired from the Bank's service as on 30th November 1985 on attaining the age of 58 years will be engaged by the Bank on contract basis for ten months on a fixed monthly salary of Rs. 1,000/- per month. Shri Rehman will not be eligible to any other benefits as may be available to the other permanent employees of the Bank. The Union, therefore, agrees to treat the demand referred to this Hon'ble Tribunal in respect of this employee as settled."

3."

3. I find the terms of settlement fair, proper and in the interest of the workmen in general and the workman concerned in particular and therefore accept the same.

4. Award in terms of settlement accordingly.

M. S. JAMDAR, Presiding Officer

[No. L-12012/59/86-D. IV(B)]

Encl :—Terms of Settlement.

BEFORE THE PRESIDING MEMBER,
THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL NO. 1, BOMBAY

ORDER NO. L-12012/59/86-D. IV(A)

OF 12TH MAY, 1987

Ref. : CGIT 17 of 1987.

BETWEEN

Bombay Mercantile Co-operative Bank Employees' Union

V/s.

Bombay Mercantile Co-operative Bank Ltd.

In the matter of dispute regarding retirement of Shri Sayed Mohammed Sayed Abdul Rehman.

MAY IT PLEASE THIS HON'BLE TRIBUNAL

The parties to the above dispute have arrived at a Settlement and pray that the above reference be disposed off as settled between the parties.

TERMS OF SETTLEMENT

1. In regard to the Policy in respect of retirement of the employees the parties to the Agreement have agreed as under :

"Age of Retirement :

For employees in all cadres :

After an employee has reached the age of 57 years, he may be retired after giving him two months' notice in writing in case his efficiency is found by the employer to have been impaired. Subject to this rule an employee shall not be compelled to retire before he is 60 years old nor will it be necessary to give an employee a letter extending his services till he is sixty years' old."

This policy will be implemented from the date of this Settlement.

2. It is further agreed that Shri Sayed Mohammed Saved Abdul Rehman who has retired from the Bank's service as on 30th November, 1985 attaining the age of 58 years will be engaged by the Bank on contract basis for ten months on a fixed

monthly salary of Rs. 1,000/- per month. Shri Rehman will not be eligible to any other benefits as may be available to the other permanent employees of the Bank. The Union, therefore, agrees to treat the demand referred to this Hon'ble Tribunal in respect of this employee as settled.

3. The parties pray that in view of the above Settlement reached, the above Reference be disposed off as settled between the parties and an Award be made in terms of the above Settlement.

Bombay,

Dated : 2nd November, 1987.

For Bombay Mercantile Co-operative
Bank Employees' Union

Sd./-

(M. Shah Alam Khan)

General Secretary

For Bombay Mercantile Co-operative
Bank Limited

Sd./-

(J. T. Basrai)

General Manager

Witness :

Sd./-

(Akbar Janab)

Witness :

Sd./-

(Mrs. C. D'Souza)

BEFORE THE PRESIDING MEMBER, THE CENTRAL
GOVT. INDUSTRIAL TRIBUNAL NO. 1 BOMBAY

Re. : Order No. L-12012/59/86/Div. A of 12th May 1987.

Ref. : 17 of 1987

I, Sayed Mohammed Sayed Abdul Rehman state that the case of my retirement by the Bank on attaining the age of 58 years was filed by Bombay Mercantile Co-operative Bank Employees' Union, and referred to The Central Government Industrial Tribunal No. 1 Bombay.

The Union and the Bank's management have now arrived at a settlement in the dispute. I am fully agreeable and satisfied with the terms of the settlement between the bank and the Union in my case.

Yours faithfully,

Sd./- (in Urdu Language)

(Sayed Mohammed Sayed Abdul Rehman)

Dated 2nd November, 1987.

का. आ. 3505.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बिलासपुर रायपुर क्षेत्रीय ग्रामीण बैंक के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर (म. प्र.) के पंचाट को प्रकाशित करती है, जो केन्द्रिय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3505.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Central Government Industrial Tribunal, Jabalpur (M.P.) as shown in the Annexure in the Industrial dispute between the employer in relation to the management of Bilaspur Raipur Kshetriya Gramin Bank and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT LC(R)(95) of 1984

PARTIES :

Employers in relation to the management of Bilaspur Raipur Kshetriya Gramin Bank, Bilaspur (M.P.) and their workman Shri Samunder Singh Rajwade, Village Lim'ori, Post Office Hardikala Tona, Distt. Bilaspur (M.P.).

APPEARANCES :

For workman—Shri S. K. Gangele, Advocate.

For management—Shri G. C. Jain, Advocate.

INDUSTRY : Banging DISTRICT : Bilaspur (M.P.)

AWARD

Dated, the November 18, 1987

The Central Government in the Ministry of Labour vide Notification No. L-12012/89/84-D.II (A) dated 21st November, 1986 referred the following dispute to this Tribunal, for adjudication :—

"Whether the action of the management of Kshetriya Gramin Bank, Bilaspur in terminating the services of Shri Samunder Singh Rajwade, sweeper-cum-waterman w.e.f. 11-2-84 is justified? If not, to what relief is the workman concerned entitled?"

2. Non-controversial facts of the case are that the workman Shri Samunder Singh Rajwade was appointed by the Bilaspur Raipur Rural Bank on temporary basis as Sweeper for sweeping the office on daily wages on 21-6-1982 @ Rs. 12 per day. His services were terminated with effect from 11-2-1984 on the ground that he had interfered with the banking cash transaction by placing Rs. 100 Notes for the purpose of exchanging into smaller Notes in the drawer of the Manager in his absence. When the account was found excess Branch Manager enquired into the matter and the matter was reported to the Chairman and the Chairman terminated his service.

3. The case of the workman further is that he was falsely implicated on the above charge by the Manager for his own fault of mixing the ill begotten amount in the bank cash. He was coerced to give the alleged confession as his admission before the Chairman under threats.

4. He has further pleaded that firstly his termination amounts to retrenchment and since provision of Section 25-F of the I. D. Act have not been complied with he is entitled to be reinstated with full back wages. Secondly his termination amounts to removal from service with stigma attached which could not have been done without holding a domestic enquiry. He was a full time worker and not a part time employee as alleged by the management.

5. The case of the management is that his services were terminated for the said misconduct and he was paid the necessary retrenchment compensation. He was purely a part time temporary employee. In any case, he has been paid the retrenchment compensation. He was usefully employed in spare time elsewhere. No evidence was lead to from the last contention.

6. In support of their case management has examined two Managers S/Shri M. L. Tandon (MW-1) and N. K. Jain (MW-2) who have proved documents Ex. M-1, Ex. M-2, Ex. M-3, Ex. M-3A and Ex. M-4. On the other hand, workman gave his statement and proved documents Ex. W-1 and Ex. W-2.

7. I have gone through the evidence and documents on record. No doubt the workman was a part time employee @ Rs. 12 per day though he was paid weekly on his request. The question arises whether the part time employee is a 'workman' within the meaning of Sec. 2(s) of the I. D. Act. Law on the point has been discussed by learned. Author

Shri Vithalbhai B. Patel in his book 'Law on Industrial Dispute' Third Edition Vol. I at page 377 in the following words :—

"The definition of the term 'workman' includes a casual worker and a seasonal worker also. More so when a casual worker is entitled to wages if he reports for work, notwithstanding that no work was given to him. But the employment of casual workers appointed only for a specific period or for a particular work automatically comes to an end; and there is no rule or law which contemplates that such an employee must be given work again by the employer. But he cannot be denied retrenchment compensation under section 25-F if he satisfies the requirement of section 25-B of the Act."

From the above it is crystal clear that even a part time employee has a master and servant relation and he is employee of the management within the meaning of S. 2(s) of the I. D. Act.

8. Next question arises whether even a part time employee is entitled to the benefit of Section 25-F of the I. D. Act ?

9. It should not detain me much on the point since the management has proved vide Ex. M-3-A and Ex. M-4 that the workman was paid the retrenchment compensation and pay in lieu of notice Rs. 180 on his termination. The workman's denial on the point cannot be accepted in view of these documents. In the alternative the workman has contended that the management failed to give notice to the Central Government as required under Cl. (c) there of Section 25-F of the I. D. Act have not been fully complied with. In this regard, learned Author Shri O. P. Malhotra in his book "The Law of Industrial Disputes" Fourth Edn. Vol. II at page 1350 has commented that the purpose of this notice is to enable the Government to take conciliatory proceedings or make reference for an adjudication or take such other steps permissible under the Act and in public interest. Hence, where there are conciliatory proceedings and reference for adjudication has taken place there is no further question of notice to Government about the retrenchment. In these circumstances the plea of the workman is also without substance.

10. Last question is whether the termination of the workman amounts to dismissal with a stigma attached. Admittedly the workman had worked with the management from 21-6-1982 to 11-2-1984 as part time worker. It is the case of the management that he had misconducted himself and admitted his guilt. Therefore his services were terminated. This certainly amounts to dismissal with a stigma attached. Such a dismissal to my mind could not have been done without holding some sort of enquiry and after finding the charge or allegation proved. This has not been done in the instant case. Therefore, to my mind termination is liable to be set aside on this ground alone.

11. Further plea of the management is that they have lost confidence on the workman on account of the dishonest act, false allegations against the two Managers and denial of his voluntary confession. Therefore he should not be reinstated. I find some force in this contention. Therefore proper course would be to allow the workman some amount for his part time service by way of compensation. I am of the opinion that 15 days pay for every completed year of his service would meet the end of justice. I therefore answer the reference as under :—

That the action of the management of Kshetriya Gramin Bank, Bilaspur in terminating the services of Shri Samunder Singh Rajwade, sweeper-cum-waterman w.e.f. 11-2-84 is not justified. But looking to the facts and circumstances of the case he is not entitled to be reinstated and instead he be paid 15 days pay for every completed year of service from the date of his appointment till the date of his termination. No order as to costs.

V. S. YADAV, Presiding Officer

[No. L-12012/89/84-D.II (A)/D.IV (A)]

का. आ. 3505.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधन, से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच में अनुबंध निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण सं. 1, बंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3506.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1, Bombay-I, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Life Insurance Corporation of India and their workmen, which was received by the Central Government on the 24th November, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT BOMBAY

Reference No. CGIT-10 of 1986

PARTIES :

Employers in relation to the management of Life Insurance Corporation of India.

AND

Their workmen.

APPEARANCES :

For the Management—Mr. Dharwadkar, Advocate.

For the Workman—Mr. Deo, Secretary, Insurance Employees Association.

INDUSTRY : Insurance

STATE : Maharashtra

Bombay, the 10th day of August 1987

AWARD

The dispute which is referred to this Tribunal for adjudication relates to the removal from service of the workman Shri S. M. Choksey, Assistant in the P.F.S. Department of the Bombay Divisional Office of the Life Insurance Corporation of India on the ground of unauthorised absence on 5 occasions during the period from 4-1-1983 to 5-9-1983 and late attendance on several occasions during the period from January, 1983 to November, 1983.

2. The workman remained absent for 5 days from 4-1-1983 to 8-1-1983, for 4 days from 9-3-1983 to 12-3-1983, for 6 days from 16-5-1983 to 21-5-1983, for 7 days from 21-7-1983 to 27-7-1983, and for 5 days from 30-8-1983 to 3-9-1983. On the first three occasions, he remained absent in an unauthorised manner on account of sickness, but produced a medical-cum-fitness certificate after resuming his duties. On the fourth occasion, he remained absent on account of his wife's sickness without giving intimation of absence in time. On the fifth occasion, he remained absent on medical ground, but without proper intimation and did not submit fitness certificate while resuming his duty or thereafter. He was late in attendance on 4 occasions in January, 8 occasions in February, seven occasions in March, ten occasions in April, six occasions in May, seven occasions in June, Seven Occasions in July, six occasions in August, seven occasions in September, thirteen occasions in October and nineteen occasions in November, 1983. On these allegations, the Senior Divisional Manager served on the workman, a charge-sheet-cum-show cause notice dated 23rd December, 1986. (Annexure D to the Statement of Claim of the Workman). In the charge-sheet-cum-show cause notice after reciting the above mentioned facts, the Senior Divisional Manager stated as follows :—

"That by your aforesaid acts you have shown utter disregard to the office discipline and have acted in a manner prejudicial to the good conduct as also have violated the provisions of Regulations 21 and 30 read together with Regulation 39 of the Life

Insurance Corporation of India (Staff) Regulations, 1960 for which any one or more of the penalties set out in Regulation 39(1)(a) to (g) of the Life Insurance Corporation of India (Staff) Regulations 1960 can be imposed on you ?”

“Now therefore, after having considered the records of the case, I hold you guilty of the charges mentioned above and for good and sufficient reasons propose to impose upon you a penalty of removal from services of the Corporation in terms of provisions of Regulation 39(1)(f) of the Life Insurance Corporation of India (Staff) Regulations, 1960 ;”

“However, before proceeding further in the matter, I hereby call upon you, Shri S. N. Choksey, Asstt. SR No. 405189 PHS Dept. Gulestan Building Bombay Divi. Office to show cause in writing within 15 days from the receipt hereof as to why the penalty as proposed above should not be inflicted upon you. If no cause is shown within the stipulated period, I shall presume that you have no representation to make in this behalf and shall proceed further ex-parte.”

3. To this Charge-sheet-cum-show cause notice, the workman submitted his reply on 19th January, 1984 pointing out to the Senior Divisional Manager that he was already charged for unauthorised absence from 4-1-83 to 8-1-83, 9-3-83 to 12-3-1983 and 16-5-1983 to 21-5-1983, as also for late attendance during January to May, 1983 by a charge-sheet served on him on 15th July, 1983, and that he had explained and given cause satisfactorily vide his letter dated 27th August, 1983, and categorically stated that the repetition of the said charges in the charge-sheet/show cause notice under reply was redundant and did not call for any comments from him. As regards the additional grounds mentioned in the charge-sheet-cum-show cause notice under reply, he asserted that he had sent the letters of intimation and it was possible that those letters might have been lost in transit or misplaced in office. He also assured the Senior Divisional Manager that hence forth he will ensure due receipt of his intimation. As regards his late attendance during January-November, 1983, he stated that late attendance was due to the fact that he had to accompany his wife to their family doctor. He also stated that though he happened to be late on more than two occasions in a month, he never availed of any casual leave, that he always attended his office at the earliest time and not at 11.30 A.M. as allowed twice a month as per the rules of the Corporation and that he did not avail of the liberty of leaving office on any occasion and never allowed the work of the office to suffer.

4. After the receipt of the aforesaid reply no enquiry into the charges was held and the Senior Divisional Manager in his capacity as the disciplinary authority straight away proceeded to pass the following order on 13th February, 1984.

“Whereas a Charge Sheet-cum-Show Cause Notice dated 23rd December 1983 proposing a penalty of Removal from the services of the Corporation was duly issued to Shri S. N. Choksey, Assistant SR No. 405189, PHS Department, Gulestan Building, Bombay Divisional Office, on account of his unauthorised absences and late attendances as detailed in the said Charge Sheet-cum-Show Cause Notice ;

And whereas the delinquent employee submitted his reply dated 19th January, 1984 ;

Now therefore after having considered the records of the case I find Shri Choksey guilty of the Charges levelled against him. Accordingly, for good and sufficient reasons I have decided to impose upon the said Shri S. N. Choksey, Assistant, SR No. 405189, PHS Department, Gulestan Building, Bombay Divisional Office, the proposed penalty of Removal from the services of the Corporation which I hereby do under the provisions of Regulation 39(1) of the Life Insurance Corporation of India (Staff) Regulations, 1960, with effect from the day following the date of this Order.”

5. The order removing the workman from the service must be quashed for several reasons. The first and foremost reason is that no enquiry was held in the charges before removing the workman from service. As mentioned in the

order, it was passed under Regulation 39(1) of the Life Insurance Corporation of India (Staff) Regulations, 1960, hereinafter referred to as the ‘Regulations’. Clause 1 of Regulation 39 prescribes the penalties which can be imposed, for good and sufficient reasons, on an employee who commits a breach of regulations of the Corporation or who displays negligence, inefficiency or indolence or who knowingly does anything detrimental to the interest of the Corporation, or contravenes the instructions or who commits a breach of discipline, or is guilty of any other act prejudicial to good conduct. The penalties which may be imposed are—(a) censure; (b) withholding of one or more increments either permanently or for a specified period; (c) recovery from pay or such other amount as may be due to him of the whole or part of any pecuniary loss caused to the Corporation by negligence or breach of orders; (d) reduction to a lower service, or post, or to a lower time-scale, or to a lower stage in a time-scale; (e) compulsory retirement; (f) removal from service which shall not be a disqualification for future employment; and (g) dismissal. Clause (2) further lays down that no order imposing on an employee any of the penalties specified in clauses (b) to (g) of sub-regulation (1) supra, shall be passed by the disciplinary authority specified in Schedule I without the charge or charges being communicated to him in writing and without his having been given a reasonable opportunity of defending himself against such charge or charges and of showing cause against the action proposed to be taken against him. Sub-regulation 3 permits the disciplinary authority empowered to impose any of the penalties from (b) to (g) to enquire into such of the charges as are not admitted either itself or appoint a board of enquiry or an enquiry officer for that purpose. Sub-regulation (4) mentions the circumstances in which the procedure prescribed in sub-regulation (2) need not be followed. It reads as follows —

“(4) Notwithstanding anything contained in sub-regulations (1) and (2) above—

- (i) Where a penalty is imposed on an employee on the grounds of conduct which had led to a conviction on a criminal charge; or
- (ii) where the authority concerned is satisfied, for reasons to be recorded in writing, that it is not reasonably practicable to follow the procedure prescribed in this regulation; or
- (iii) where an employee has abandoned his post, the disciplinary authority may consider the circumstances of the case and pass such orders thereon as it deems fit.”

6. Admittedly, none of these circumstances exists in the present case. It is also difficult to accept the contention that the workman had admitted the charges levelled against him in his reply dated 19th January, 1984. As mentioned above, the workman had pointed out that no disciplinary proceedings could be taken against him in respect of the so-called unauthorised absence on the first three occasions and also for late attendance during the period January-May, 1983. He had also asserted that even on the next two occasions, he had sent intimations about his absence. He also gave an explanation about his late attendance and brought to the notice of the disciplinary authority that he had not availed of any casual leave, which could be set off against the late attendance as per rules. It may be that he might have stated in his reply that he would be more particular in getting acknowledgements of his intimations and had requested the disciplinary authority to consider his reply in good spirit and take a lenient view. That however, does not mean that he admitted the charges levelled against him, thus dispensing with holding of an enquiry contemplated by sub-regulation 2 of Regulation 39. A departmental enquiry was absolutely necessary and the dismissal order which was passed without holding any enquiry as contemplated by sub-regulation 2 of regulation 39 was illegal and deserves to be quashed.

7. The second ground which also goes to the root of the matter is that the disciplinary authority while issuing the charge-sheet-cum-show-cause notice had already held the workman guilty of the charges mentioned in the charge-sheet. I have quoted above the relevant recital in the charge-sheet-cum-show-cause notice. Even before receiving the reply from the workman, the disciplinary authority had made up his mind about the guilt and on that basis called

upon the workman to show cause against the proposed penalty. As held above, an enquiry into the charges was absolutely necessary and without holding such enquiry, the disciplinary authority could not have held the workman guilty of the charges levelled against him and could not have called upon the workman to show cause against the proposed penalty. In fact, no penalty could have been proposed at that stage which could have been done only after the charges levelled against the workman were either proved or were admitted by the workman. The assumption of guilt in the show-cause notice therefore vitiates the whole enquiry and renders the dismissal order illegal.

8. Moreover, as rightly contended by the workman, the charge-sheet included several charges for which he was already impliedly exonerated. It appears that in respect of unauthorised absence on the first three occasions mentioned in the charge-sheet in question and late attendance during the period January-May, 1983, a show-cause notice was issued to the workman on 15th July, 1983. A copy of the show cause notice is annexed as Exhibit 'B' to the Statement of Claim. To this show-cause notice issued by the Senior Divisional Manager, the workman gave a reply on 27-8-1983. In that reply, the workman stated as follows:—

"As regards my absence on three occasions pointed out by you, I may explain in that I was really suffering from ill-health during the relevant period and moreover I had promptly sent leave note on each occasion. However, medical certificate was not sent in advance because the period of absence was short each time and hence medical-cum-fitness certificate was submitted while resuming my duties."

He also pointed out that his late attendance was invariably marginal about 10 to 15 minutes only and gave cause for those lapses. He also asserted that he had not taken any casual leave which was to his credit nor did he take advantage of coming late by about an hour as per rules. He also requested the senior Divisional Manager to treat his absence of 15 days as privilege leave and to debit necessary privilege leave to cover his late attendance as per the rules. After this reply, no disciplinary proceedings were taken against the workman. As averred by the workman in his Statement of Claim, he was paid full salary for the so-called three unauthorised absences. This categorical assertion in the Statement of Claim is not denied by the management. There is therefore, substance in the contention of the workman that the explanation offered by him was accepted by the management and the defaults if any committed by him were condoned. The workman therefore, could not have been charged for his unauthorised absences and late attendances till the end of May, 1983. As mentioned above, the charge-sheet in question includes these charges also.

9. The disciplinary proceedings in respect of these charges were clearly misconceived and the dismissal order which is based on these charges as well also cannot be sustained.

10. As mentioned in the charge-sheet-cum-show cause notice dated 23rd December, 1983, the workman was proceeded against for showing utter disregard to the office discipline and for acting in a manner prejudicial to the conduct as also violating the provisions of Regulations 21 and 30 read with Regulation 30 of the Life Insurance Corporation of India (Staff) Regularisation, 1960. There is no reference to Regulations 21 and 30 in the removal order. Regulation 21 speaks about the general liability of every employee of the Corporation to abide by the regulations, to maintain absolute integrity and devotion to duty and to observe, comply and obey all orders and directions which may from time to time be given to him in the course of his official duties by any person or persons under whose jurisdiction, superintendence or control he may for the time being be placed. This liability is too general. Moreover, the Regulations do not specify in precise terms, the misconducts for which minor or major penalties can be inflicted on an employee of the Corporation Regula-

tion 39 which prescribes penalties which can be imposed on an employee for good and sufficient reasons also mentions the misconducts in general terms and lays down that the penalties can be imposed on an employee who commits a breach of regulations of the Corporation, or who displays negligence, inefficiency or indolence or who knowingly does anything detrimental to the interest of the Corporation or constructions it who commits a breach of discipline or is guilty of any other act prejudicial to good conduct. According to the management the conduct of the workman in remaining absent without permission and attending office late amounted to utter disregard to the office discipline and acting in a manner prejudicial to good conduct, and was violative of Regulations 21 and 30 read with Regulation 39.

11. The relevant regulation which can be said to have been violated by the workman by his absence without permission and late attendance is Regulation 30 which reads as follows:—

"30. (1) An employee shall not absent himself from his duties without having obtained the permission of the competent authority, nor shall he absent himself in case of sickness or accident without submitting a medical certificate satisfactory to the competent authority.

Provided that in case of unforeseen emergency an employee may be allowed to avail of one day's casual leave without prior sanction, subject to the condition that the competent authority is promptly advised if the circumstances in which prior sanction could not be obtained.

Provided further that in the case of temporary indisposition the production of a medical certificate may, at the absolutely discretion of the competent authority, be dispensed with. " " (2) & (3)

12. As mentioned above, on four out of five occasions on which the workman remained absent without permission, the ground of absence was sickness. Admittedly, before remaining absent, the workman had not submitted a medical certificate and sought permission for absence from duty. But on each such occasion while resuming duty, he did submit medical certificate of fitness. It is an admitted position that on each occasion, the medical certificate of fitness was accepted and the workman was allowed to resume duty. There was therefore, no breach of any regulation. No doubt, the workman had not obtained prior permission for absence from duty. But a plain reading of clause 1 of Regulation 30 will clearly show that there is no obligation on the employee to seek previous permission for absence from duty in case of sickness or accident. No doubt, in case of sickness or accident, the obligation is cast on the employee to submit medical certificate satisfactory to the competent authority. But there is no warrant for interpreting this regulation to mean that the medical certificate must always be submitted before absenting from duty. The requirement of submitting a medical certificate is applicable to sickness as well as to accident and it is absurd to expect an employee to submit medical certificate or before meeting with an accident. In the case of sickness also, it may not be always possible to submit a medical certificate or seek prior permission before absenting from duty on account of sickness. Moreover, the second proviso to clause 1 of Regulation 30 gives absolute discretion to the competent authority to dispense with production of a medical certificate in case of temporary indisposition.

13. Moreover, in view of the general principles governing grant of leave accepting a medical certificate of fitness produced by the workman while resuming duty would amount to sanction of leave and regularising the initially unauthorised absence. Clauses (a) to (e) of Regulation 61 lay down the general principles governing the grant of leave to the employee. Clause (f) which is relevant and supports the above conclusion reads as follows:—

"(f) An employee on leave on medical certificate may not return to duty without producing a medical

certificate of fitness. The competent authority may require an employee who has availed of leave for reasons of health to produce a medical certificate of fitness even though such leave was not granted on medical certificate."

14. An employee on leave on medical certificate cannot return to duty without producing medical certificate of fitness. The competent authority may require an employee to produce a medical certificate of fitness even though such leave was granted to the employee without medical certificate. This provision contemplates granting leave without initially producing a medical certificate and leaves it to the discretion of the competent authority to insist upon a medical certificate of fitness even though the leave was not granted on medical certificate. In the case of an employee on leave on medical certificate, he has to produce a medical certificate of fitness before resuming duty. Therefore, production of medical certificate of fitness at the time of resuming duties after availing of leave for reasons of health would ordinarily suffice to get the leave regularised because a medical certificate of fitness contemplates medical treatment for sickness. It would be for the competent authority to accept the medical certificate of fitness or to reject it. In case the medical certificate of fitness is not accepted, the absence would be unauthorised, but if the medical certificate of fitness is accepted and if the workman is allowed to resume duty, the absence cannot be treated as unauthorised on the ground that no medical certificate was produced and prior sanction/permission of the competent authority was not obtained before absents from duty for reasons of health.

15. As mentioned above, in all the four causes of unauthorised absence on medical grounds, the workman had duly submitted medical certificate of fitness while resuming duty. The certificates were accepted and he was allowed to resume duty. Not only that but on the first three occasions, he was paid his pay and allowances for the period of absence. It is thus clear that there was no misconduct or breach of any regulations in all the cases of absence on medical grounds. The departmental proceedings, therefore, were misconceived because on most of the occasions on which the workman was allegedly absent unauthorisedly, the unauthorised absence would be deemed to have been regularised and hence in fact there was no misconduct at all. Moreover, as held above, the explanation offered by the workman in respect of absence on the first three occasions and late attendance during January to May, 1983 must be deemed to have been accepted and hence no departmental enquiry in respect of these charges was competent. In view of this, the question of allowing the management to prove the charges in these proceedings does not survive at all. As a matter of fact, as held by me above, there was no misconduct in respect of the absence on the ground of health.

16. In the result therefore, it is declared that the action of the Life Insurance Corporation of India, Bombay in terminating the services of Shri S. N. Choksey, Assistant is not justified and that the workman is entitled to be reinstated in service with full back wages. The management of the Life Insurance Corporation of India, Bombay is directed to reinstate Shri S. N. Choksey in service forthwith and pay him full back wages and other incident benefits within one month from the publication of this award. In case the amount is not paid within that period, the amount payable will carry interest at the rate of 12 per cent from the date of the award.

17. Award accordingly.

M. S. JAMDAR, Presiding Officer
[No. L-17012/33/85-D.IV(A)]

का.आ. 3507.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, जयपुर नागौर अंचलिक ग्रामीण बैंक के प्रबंधक से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुषंग

में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3507.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur, as shown in the Annexure, in the industrial dispute between the management of Jabalpur Nagpur Aanchalik Gramin Bank and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
RAJASTHAN, JAIPUR
Case No. CIT 34/82

REFERENCE :

Government of India, Ministry of Labour & Rehabilitation, New Delhi Order No. 12011/77/81-D.II (A)]
dated 11th November, 1982.

In the matter of an Industrial Dispute
BETWEEN

Gramin Bank Employees Union, Jaipur

AND

Jaipur Nagaur Aanchalik Gramin Bank, Jaipur

PRESENT :

Shri J. P. Bansal, RMJS

For the Union : Shri R. C. Jain

For the Bank : Shri C. S. Mehta

Date of Award : 23rd March 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour & Rehabilitation, New Delhi vide his above cited notification has referred the following dispute to this tribunal for adjudication viz 10(1) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act :

"Whether the demands of workmen of the Jaipur Nagaur Aanchalik Gramin Bank, Jaipur for (1) fixation of the Probationary Period of Clerks, Junior Clerks and Field Assistants as six months, (b) payment of cash allowance of Rs. 25 Cycle allowance of Rs. 20 and eliciting allowance at 20 per cent of pay for working in higher grade (c) grant of leave fare concession once in two years up to the limit of 1500 kms. of travel are justified? If not, to what relief are the workmen concerned entitled?"

2. It may be mentioned at the very outset that three demands covered under the foregoing head (b) in the reference have been met with the result that they no longer for the subject matter of the dispute before me. I have to confined myself only to two demands respectively covered under the heads (a) and (c) in the reference.

3. In the statement of claim filed by Gramin Bank Employees Union, hereinafter referred to as the union, on behalf of the employees, it has been mentioned that the employees are in the employ of Jaipur Nagaur Aanchalik Gramin Bank Jaipur, hereinafter referred to as the Bank. In the area covered by the bank it does similar business as is done by other banks. The employees themselves discharge duties and perform functions which are discharged and performed by the employees working in other banks. As regards the first demand covered by head (a) in the reference it has been alleged that the present position in the bank is that the employees are kept on probation in the first instance for one year. This period of one year is liable to be extended for a period of six months. This is a practice which is not followed in other banks. The position in other banks is that the period

of probation in only for six months at the end of which an employee gets automatically confirmed. As regards the second demand covered by head (c) in the reference, it has been alleged that the facility concerning leave fare concession in two years upto a limit of 1500 kms. of travelling is admissible to the employees of other banks. This facility cannot be denied to the employees of the present bank.

4. In the reply filed on behalf of the bank it has been admitted that the employees are in the employ of the bank. It has been alleged that there is no similarity between the functions of the bank and those of other banks. The probation period has been provided for under the Rules of 1981 which are applicable to the bank. The Rules cannot be subject to the amendment. It has further been alleged that the emoluments of the employees of the bank are fixed by the Reserve Bank, keeping in view the emoluments and service conditions of the State Government employees in the region concerned.

Demand No. 1 :

5. No evidence has been produced in this case from either side. I have to place reliance upon the documents in the light of the arguments advanced before me. Shri R. C. Jain, learned representative, appearing on behalf of the union has referred me to the text of the paragraph 495 of the Shastri Award as also to the text of the paragraph 21.18 of the Desai Award. He contends before me that as per the Shastri Award the period of probation is six months. This period of six months as per Desai Award is liable to be extended for a period of three months only in a case where the work of the employee is not found satisfactory. These awards are applicable to the employees of the other banks. He contends that these awards should be made applicable to the employees of the bank. He has also contended before me that while fixing the service conditions and emoluments of the employees of an industry the tribunal has to keep in mind the emoluments and service conditions in other industries of similar nature in the region. This principle of industry-cum-region has been revolved to the pedestal of certainty. As against this Shri C. S. Hehta learned representative, appearing on behalf of the bank has referred me to section 17(2) of the Regional Rural Banks Act 1976 wherein it has been provided that no judgment, award, decree, decision or order of any tribunal, court or Authority made before this Act of 1976 came into force, can be made applicable to the Regional Rural Bank and for that matter to the bank itself. Hence, he contends, the Shastri and Desai Awards cannot be made applicable to the employees of the bank. I have given my careful consideration to the rival contentions in order to arrive at the correct conclusion in the case. The contention advanced before me by Shri Jain appears to be correct. It is not in dispute before me that the bank transacts business which is similar to the business transacted by the other banks in the region. It is also clear from the record that the employee discharge duties and perform functions such as those which are discharged and performed by the employees of the other banks. In these circumstances I see no reason why any discrimination should be practised against the employees of the bank. Apart from this Shri Jain has taken assistance from the Desai Award and Shastri Award for the view point he has canvassed before me. He does not see the implementation of these two awards as such. The principle of industry-cum-region is a principle which is to be given effect in a case of this type. I, therefore, hold that this demand is a reasonable one.

Demand No. 2(c)

6. Shri S. C. Mehta has frankly conceded before me that this facility with regard to leave fare concession has been approved by the Central Government but it has not been made applicable to the employees of the bank because such facility is not available to the Government employees in the region. This contention goes to show that the demand is very reasonable. The implementation of the scheme approved by the Central Government cannot be made dependent upon the availability or otherwise of this facility to the State Government employees in the region. The Reserve Bank of the Central Government has to take into consideration the service conditions and emoluments which are applicable to the State Government employees in the region.

but the service conditions and emoluments of the State Government employees cannot be looked upon as a decisive factor in the matter of granting such a facility to the employees of the bank. This demand is also reasonable and deserves to be accepted.

7. I make the award in favour of the employees and against the bank to the effect that the bank shall fix the period of probation of clerks, Junior clerks and Field Assistants for six months subject to the condition that where he had finds the work of an employee unsatisfactory this period of probation shall be liable to be extended for a further period of three months and further the bank shall grant the facility of leave fare concession once in two years upto the limit of 1500 kms. of travel to its employees subject, of course, to the usual conditions.

8. The award may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-12012/77/81-D.II(A), D.IV(A)]

का.आ. 3508.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मरुधर क्षेत्रीय ग्रामीण बैंक के प्रबंधन में सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-1987 को प्राप्त हुआ था।

S.O. 3508.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur, as shown in the Annexure, in the industrial dispute between the management of Marudhar Khetriya Gramin Bank and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JAIPUR

Case No. CIT-17/85

REFERENCE :

Government of India, Ministry of Labour, New Delhi
Order No. L-12012/89/84-D.II (A) dated 16-4-85.

In the matter of an Industrial Dispute

BETWEEN

Shri Banwari Lal Goswami represented by Gramin Bank
Employees Union, Jaipur.

AND

Marudhar Khetriya Gramin Bank, Churu.

PRESENT

Shri J. P. Bansal, RHJS.

For the Union

Shri R. C. Jain

For the Management

Date of Award :

11 February, 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi vide its above cited notification has referred the following dispute to this tribunal for adjudication u/s 10(1) of the Industrial Disputes Act 1947, hereinafter referred to as the Act :

"Whether the action of the management of Marudhar Khetriya Gramin Bank, Jaipur in terminating the

services of Shri Banwarilal Goswami, a Class IV employee, w.e.f. 30-9-83 is justified? If not, to what relief is he entitled?"

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JAIPUR

Case No. CIU-12/83

REFERENCE Government of India, Ministry of Labour and Rehabilitation, New Delhi Order No. L-12012/25/83-D.II(A) dated 29-9-83.

in the matter of an Industrial Dispute

BETWEEN

Shri Mangal Das represented by the General Secretary,
Gramin Bank Employees Union, Jaipur.

AND

Marwar Gramin Bank, Pali

PRESENT :

Shri J. P. Bansal, RHJS.

For the Union—Shri R. C. Jain.

For the Bank—

Date of Award : 17th March, 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour and Rehabilitation, New Delhi vide its above cited notification has referred the following dispute to this tribunal for adjudication U/s. 16(1) of the industrial disputes Act, 1947, hereinafter referred to as the Act.

"Whether the action of the management of Marwar Gramin Bank, Head Office, Pali in terminating the services of Shri Mangal Das, Messenger, Bhawrani Branch, District Jalore with effect from 18-5-82 is justified? If not; to what relief is the workman concerned entitled?"

2. In the statement of claim filed by the Gramin Bank Employees Union, Jaipur, hereinafter referred to as the Union, on behalf of the employee Shri Mangal Das, it has been alleged that the employee was in the employment of Marwar Gramin Bank, Bhawrani, District Jalore, hereinafter referred to as the Bank, in the capacity of daily rated workman. No worked in that capacity from May 1980 to 17-5-82. Though he was shown in the records as a part time worker he was made to work for full day by the bank. The work of the peon was taken from him, on 18-5-82 the Manager of the Bank at Bhawrani terminated his services. No charge-sheet was given to him. No notice or retrenchment compensation was given to him. The Bank acted in violation of the provisions contained in Section 25F of the Act. He had already worked for more than 240 days on 18-5-82. The Bank also acted in violation of the provisions contained in Section 25G of the Act. It was prayed that the order of termination of services be quashed and the employee be reinstated in service with full back wages.

3. In reply filed on behalf of the bank, it was admitted that the employee was in the employ of the bank until 18-5-82 when he himself did not report for duty. It was alleged that the employee was employed in the bank as a temporary daily rated workman. He did not work for 240 days before the termination of his services. No charge-sheet was given. No retrenchment compensation or one month's notice was also given. He did not work for full day. His only work was to clean the office and to supply water to the staff of the bank. His work was not satisfactory.

4. The main question to be answered in this case is whether the bank acted in violation of the provisions contained in Section 25F of the Act. It is not in dispute before me that the employee was in the employ of the bank from May 1980 to 17-5-82. The vouchers of payment produced by the bank go to show that the employee worked for more than 240 days during the period from June 1981 to May, 1982 when his services were terminated. It is also not in dispute before me that neither notice nor retrenchment compensation was paid to the workman at the time when his services were terminated on 18-5-82. The only question is whether it is a case of illegal retrenchment. On this point

2. In the statement of claim filed by Gramin Bank employees union, hereinafter referred to as the Union, on behalf of the employee Shri Banwarilal Lal, it has been alleged that the employee was employed as a daily wage worker on a remuneration of Rs. 5/- per day in the office of Marudhar Kheiriyia Gramin Bank, Churu, hereinafter referred to as the management. The employee was made to work as Messenger, waterboy, Sweeper and a Process Server. The work of Peon was taken from him. He worked from 9.00 a.m. to 6.00 p.m. The employee worked from 16-12-80 to 30-9-83. It was on 30-9-83 that the services of the employee were terminated by the management. No notice was given to him. No retrenchment compensation was paid to him. The management after terminating the services of the employee employed other person as its employee. The provisions of Section 25F of the Act were not complied with.

3. In the reply filed on behalf of the management it was admitted that the employee was working with the management as a daily wage worker. It was, however, denied that the work of Peon taken from him and he worked for a period of 240 days. It was, however, admitted that the services of the employee were put an end to on 30-9-83.

4. In support of his case the employee Shri Banwarilal Lal has filed his affidavit wherein he has reiterated the facts mentioned in his statement of claim. He states that he was employed with the management on 16-12-80 on the salary of Rs. 3.50 paise per day. This remuneration was increased to Rs. 5 per day. His services were terminated on 30-9-83. He used to work 8 hours a day. No cross-examination has been levelled at this witness for the simple reason that the management allowed the tribunal to proceed ex parte against it.

5. A perusal of the record goes to show that the employee was employed with the management as a daily wage worker on 16-12-80 and thereafter he continued to work with the management until 30-9-83 when his services were terminated. At that time neither notice nor retrenchment compensation was given to him. There is no reason to disbelieve the statement that he worked for more than 240 days. The provisions of Section 25 F of the Act have not been complied with.

6. In the circumstances detailed above I make the award in favour of the employee Shri Banwarilal Lal and against the management to the effect that the employee shall be reinstated in service with full back wages w.e.f. 30-9-83.

7. Let the award be sent to the Central Government for publication under Section 17(1) of the Act.

J. P. BANSAL, Presiding Officer.
[No. L-12012/189/84-D.II (A)/D.IV (A)]

नई दिल्ली, 4 दिसम्बर, 1987

का.आ. 3509.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मारवाड़ ग्रामीण बैंक, पाली के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-1987 को प्राप्त हुआ था।

New Delhi, the 4th December, 1987

S.O 3509.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Marwar Gramin Bank, Pali and their workmen, which was received by the Central Government on the 24th November, 1987.

Shri L. R. Gaur deposes to the fact that he is the Organising Secretary of the union which has espoused the cause of the employee. He states in his affidavit that the work of the peon was taken from the employee. In his cross-examination he states that it is incorrect to say that the work of the employee was comprised only of supplying water to the staff of the bank and of cleaning the office. Shri Mangaldas in his affidavit states that he worked in the bank as a daily rated workman from 1-5-80 to 17-5-82. He used to supply water to the staff of the bank, clean the office, distribute mail on behalf of the bank and run other errands. In his cross-examination he states that he is to work for whole day. He used to come to the bank at 9.00 in the morning and leave at 5.00 in the evening. He was in the bank for whole of the day.

5. In rebuttal Shri S. K. Juneja, Manager, Administration states in his affidavit that the employee was employed as a daily rated temporary workman in the bank. In his cross-examination he states that he was not posted at Bhawrani. He further states that the departmental enquiry was held against the employee. The enquiry report has not been produced before the tribunal. He states that a written warning was issued to the employee. No such warning is also before the tribunal. Shri S. D. Chouhan, Branch Manager, states that the employee was not employed as a regular peon. He did not work for 240 days. His statement is given a line from the documents produced by the bank itself. In his cross-examination he states that no attendance was marked in the attendance register of the employee. The payments were made on monthly basis. At the time of termination of services no letter of termination was given to the employee. He further states that the bank has not kept any record with regard to the days of work of the employee. The employee did not give his resignation from the post which he held in the bank. The statements of these witness produced by the bank are not worthy of reliance. It was the duty of the bank to maintain the complete record of the work done by the employee during the period of two years he was in the service of the bank. Whatever record has been produced goes to show that the employee worked for more than 240 days during the relevant period.

6. It is clear from the evidence as also from the record produced that the employee Shri Mangaldas was in the service of the bank for more than 240 days during the 12 months immediately preceding the date on which his services were terminated. Since neither wages nor notice in lieu of wages nor retrenchment compensation was paid to the employee the termination of the services was illegal in view of the mandatory provisions contained in Section 25F of the Act.

7. I make the award in favour of the employee and against the bank to the effect that the employee Shri Mangaldas shall be reinstated in service w.e.f. 18-5-82 with full back wages and all consequential benefits.

8. Let the award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-12012625683-D.III(A.)

D.IV(A)]

K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 9 दिसम्बर, 1987

का.आ. 3510:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, न्यू बैंक ऑफ इंडिया, के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

87/1674 GI—9

New Delhi, the 9th December, 1987

S.O. 3510.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the New Bank of India and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL INDUSTRIAL TRIBUNAL, RAJASTHAN,
JAIPUR

Case No. CIT-25/1982.

REFERENCE :

Government of India, Ministry of Labour, New Delhi
Order No. L-12011/10/80-D.II (A) dated 30th July, 1981.

In the matter of an Industrial Dispute :

BETWEEN

General Secretary, New Bank of India Employees Union,
Jaipur.

AND

New Bank of India, Jaipur.

PRESENT :

Shri J. P. Bansal, RHJS.

For the Union—Shri M. F. Baig.

For the Management—Shri Manoj Sharma.

Date of Award :

28 February, 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi vide its above cited notification has referred the following dispute to this Tribunal for adjudication under Section 10(1) of the Industrial Disputes Act, 1947, herein-after referred to as the Act :

1. Whether the action of the New Bank of India, Jaipur Branch in transferring Shri M. K. Papriwal, Chief Clerk to Dungarpur Branch w.e.f. 11-7-79 is justified. If not, to what relief is the workman concerned entitled ?
2. Whether the action of the New Bank of India, Jaipur Branch in transferring Shri B. K. Pareek, Clerk-cum-typist to Kota Branch w.e.f. 20-6-79 is justified ? If not, to what relief is the workman concerned entitled ?
3. Whether the action of the New Bank of India, Jaipur Branch in transferring Shri L. N. Rathi, Clerk to Nauka Branch (Sri Ganga Nagar) w.e.f. 23-7-79 is justified ? If not, to what relief is the workman concerned entitled ?

2. The facts which are not within the pale of the controversy are these. Sarvshri M. K. Papriwal, B. K. Pareek and L. N. Rathi during the relevant period of their transfer were office bearers of the Union. They were transferred from their places of posting without five days prior notice as required to be given under Article 335 of the Shastri Award. Later all the three employees were transferred back to their original places of posting. In other words, they got what they demanded and insisted upon. Shri Baig, learned representative, appearing on behalf of the employees, frankly concedes before me that the relief asked for has already been granted to them by the management bank.

3. What Shri Baig wants is the declaration by this Tribunal that in future the management Bank should act in compliance with the letter and spirit of the Shastri Award. In my opinion no such declaration is to be made by this Tribunal. This Tribunal is not to sit in judgment over what the Shastri Award has done. The Award will remain where it is. It does not stand in need of any declaration. Each case has to be decided in the light of its own facts and circumstances. Even this Article 335, effects from its operation the cases where transfers of office bearers of the Union are made in very special cases. Thus I refuse to make any declaration asked for by Shri Baig.

4. In the circumstances detailed above, I make a No Dispute award in the case which may be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-12011/10/80-D.II (A)]

का.आ. 3511:—औद्योगिक विवाद अधिनियम, 1947

1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में औद्योगिक अधिकरण जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3511.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employees in relation to the Punjab National Bank and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL INDUSTRIAL TRIBUNAL, JAIPUR

Case No. CIT-21/1982

REFERENCE :

Government of India, Ministry of Labour New Delhi
Order No. L-12012/268/81-D.III (A) dated 10-6-82.

In the matter of an Industrial Dispute :

BETWEEN

Shri P. K. Saini, represented by All India Punjab National Bank Employees Association, New Delhi.

AND

Punjab National Bank, Shastri Nagar, Jodhpur.

PRESENT :

Shri J. P. Bansal, RHJS.

For the Union—Shri C. L. Bhardwaj.

For the Bank—Shri Vijay Sinha.

Date of Award

March 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi vide its notification quoted above has referred the following dispute to this Tribunal for adjudication u/s 10(1) of the Industrial Disputes Act, 1947, hereinafter referred to as the Act :

“Whether the demand of All India Punjab National Bank Employees Association for continuity of Service of Shri P. K. Saini, Peon, Punjab National Bank B/O Balotra from 10-1-1978 to 22-10-1979 and for treating the service of the employee as regular from the date of his initial appointment taking the first six months service as probationary period, is justified? If so, to what relief is the workman concerned entitled?”

2. The facts are these. In the statement of claim dated 5-10-82 filed by the All India Punjab National Bank Employees Association, hereinafter referred to as the Association, on behalf of the employee Shri P. K. Saini, peon, it has been alleged that Shri Saini was employed Peon-cum-chowkidar by the Manager of Punjab National Bank, M.I. Road Branch, Jaipur on 3-1-77. This appointment was made against the permanent vacancy. His services were terminated without any notice on 30-4-77. He was again employed as

Peon by the Manager of the Punjab National Bank, B/O Dhamani Market, Jaipur on 3-5-77. His services were terminated on 30-7-77. He was again employed as Peon-cum-chowkidar by the Manager of Punjab National Bank, M.I. Road Branch, Jaipur on 31-7-77 against the permanent vacancy. His services were terminated abruptly and without any notice on 10-1-78. He was again re-employed as Peon by the Regional Manager, Punjab National Bank on 23-10-79 and was posted at Balotra. He had worked for more than 240 days until 10-1-78. The Punjab National Bank, hereinafter referred to as the Bank, in terminating the services of the employee without prior notice and without payment of retrenchment compensation acted in violation of the provisions contained in Section 25-F of the Act. It has further been alleged that whereas the services of the employee were terminated one person by name Shri Trilok Chand Sharma was given appointment. The employee thus was kept out of employment arbitrarily from 10-1-78 to 20-10-79. Thus two demands were made on behalf of the employee. The first demand is that he must be treated to have been continuous in service from 10-1-78 to 22-10-79 with full back wages. The second demand is that the services should be regularised w.e.f. the date of his initial appointment i.e. 3-1-77 after first six months service as probation period. He is thus to be made permanent w.e.f. 3-7-77.

3. In the reply filed on behalf of the Bank it was admitted that the employee was given employment for different periods under different branches as alleged by him. It was also admitted that the services were dispensed with on 10-1-78. He was re-employed on 23-10-79. What has been denied is that the employee was employed against the permanent vacancy. The appointment of the employee was temporary in its nature. No notice need be given. The question of paying retrenchment compensation did not arise. The employee was not given permanent employment because he completed only 205 days on 31-10-77. The provisions of law were not violated. The Punjab National Bank concluded a settlement with All India Punjab National Bank Employees Federation on 1-8-77 which inter-alia provide that permanent employment could be given only to those who had worked for 240 days on or before 31-7-77. The employee did not fall within this category.

4. In the rejoinder filed on behalf of the Association, it was alleged that the employee had worked for 368 days for the period ranging from 3-1-77 to 9-1-78. In the reply to the rejoinder only those facts were reiterated which found place in the reply.

5. As regards the first demand the case of the employee is that he had worked for 368 days from 3-1-77 to 9-1-78. Even the period during which the employee worked in the Dhamani Market Branch from 3-5-77 to 30-7-77 is excluded from it, it works out to 379 days. It goes to show that the employee indisputably worked for more than 240 days until 10-1-78 when his services were terminated. On this point the employee Shri Saini has in his affidavit stated that his employment under the M.I. Road branch was against the permanent vacancy. In his cross-examination he states that he was employed against the permanent vacancy. In rebuttal Shri R. C. Grover appearing on behalf of the bank in his affidavit states that the employee used to be employed in leave vacancy under different branches. This statement is belied by the documents produced by the bank itself. The salary sheets Ex. M-5 and M-6 relate to the period during which the employee worked under Dhamani Market Branch. It has been recorded in these documents that the employee worked in leave vacancy. No such entry is made in the salary sheets Ex. M-2A to M-2D which relate to the period during which the employee worked under the M.I. Road branch. It shows that if the employee had worked in leave vacancy during all the two periods during which he worked under M.I. Road branch, the entry with regard to his leave vacancy as was done in the case of Ex. M-5 and M-6 would have been made. It shows that the employee did not work in leave vacancy under M.I. Road branch. It shows that he worked under the permanent vacancy. Furthermore it is necessary for the bank to give letter of appointment specifying the kind of appointment and the period of appointment and the pay and allowances which the person would be entitled to get. It shall be followed at the time of the termination of services also. In the case of this employee no such appointment letter or letter of termination was ever given to the employee. The first letter of appointment was given

to him on 23-10-79. This conduct of the bank was in violation of the directive contained in para 23.20 of the Desai Award, Chapter III of the third Tripartite settlement, para 524 and 522(5) of the Shastri Award.

6. It is thus clear that the employee worked for more than 240 days in the bank until 10-1-78 when his services were terminated. No such termination could take place without a prior notice for a period of one month or one month's wages in lieu of notice as also without the payment of retrenchment compensation. Since neither notice nor wages in lieu of notice nor retrenchment compensation was paid, the termination of services on 10-1-78 was invalid. The order was inoperative and non est. He is entitled to get wages for the period from 10-1-78 to 22-10-79. The first demand is accepted.

7. As regards second demand, with regard to continuity of service, the position is that after the termination of the services having been held invalid, the employee shall be considered to be in continuous service until 23-10-79 when his re-employment took place. It has been provided for in para 495 of the Shastri Award that the probation period shall generally, not exceed six months. In the present case his first appointment was on 3-1-77. It was against the permanent vacancy. The second appointment in the leave vacancy was from 3-5-77 to 30-7-77. The third appointment against the permanent vacancy began from 31-7-77. It is this date which is important for the reason that before that there was the employment in temporary vacancy and further the earlier appointment from 3-1-77 to 30-4-77 was came to an end on 30-4-77. Thus the appointment against permanent vacancy shall be considered to be effective with reference to 31-7-77.

8. Shri Sinha, learned representative appearing on behalf of the bank contends before me that no benefit with regard to the continuity of service can be given to the employee in view of the settlement dated 1-8-77 for the reason that the employee had not worked for 240 days on 31-7-77. This contention has no less to stand upon. The employees who had worked for 240 days on 31-7-77 shall be given the benefit with regard to the continuity of service and permanent employment as and when they complete the requisite service of 240 days after 1-8-77.

9. I make the award in favour of the employee and against the Bank to the effect that :

- (1) the employee shall be treated to be in continuous service from 10-1-78 to 22-10-79. He shall get the full back wages for this period with all consequential benefits.
- (2) the employee shall be considered to be regular w.e.f. 1-2-78. After six months of probation commencing from 31-7-77.

10. Let the award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer
[No. L-12012/268/81-D.II (A)]

का.आ. 3512:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंशट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3512.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the Industrial Dispute between the employers in relation to the State Bank of Bikaner and Jaipur and their workmen, which was received by the Central Government on the 24th November, 1987.
87/1674 GI—10

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
RAJASTHAN, JAIPUR
Case No. CIT-30/1982

REFERENCE :

Government of India, Ministry of Labour, New Delhi
Order No. L-12012/311/81.D.II(A) dated 10th October, 1982.

In the matter of an Industrial Dispute.

BETWEEN

Shri Ajay Kumar Doshi, Collection Agent Banswara Branch,

AND

State Bank of Bikaner and Jaipur.

PRESENT :

Shri J. P. Bansal, RHJS

For the Applicant.—Shri Man Singh.

For the Bank.—Shri T. N. Tandon and Miss Mithlesh Singhal.

Date of Award : 23rd March, 1987

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi has referred the following dispute for adjudication to this tribunal vide their above quoted notification u/s 10(1) of the Industrial Disputes Act, 1947:

"Whether the action of the State Bank of Bikaner and Jaipur in terminating the services of Shri Ajay Kumar Doshi, Collection Agent in their Banswara Branch w.e.f. 2-12-80 is legal and justified? If not, to what relief he is entitled to?"

2. In the statement of claim filed by the Rajasthan Bank Employees Union, Banswara, hereinafter referred to as the Union, on behalf of the employee Shri Ajay Kumar Doshi it has been alleged that the employee was performing the duties of Collection Agent at the State Bank of Bikaner and Jaipur, Banswara Branch, hereinafter referred to as the Bank, from 14-12-76 to 1-12-80. It was on 1-12-80 that the bank dispensed with the services of the employee in an improper and illegal manner. The services were terminated vide letter dated 2-12-80 (Annexure R/2). It is prayed that the employee be reinstated to his post as Collection Agent.

3. In the reply filed by the bank it has been admitted that the employee was working as Collection Agent in the scheme known as Viyabssay Nidhi Scheme until 2-12-80 when his services were terminated. He was asked to return the identity card together with the identity card of the nominee. It has been alleged that the present reference is not maintainable for the reason that there existed no relationship of master and servant between the bank and the employee. The employee could not be treated as a workman. The bank had no disciplinary Authority over the employee. The employee was engaged in the business of the agency the object of which was to promote the collection of amount from the subscribers. The employee was to be paid commission which was in proportion to the amount collected at his instance. Thus the employee was a commission agent. He was neither a clerk nor a cashier in the bank. There were no specific hours of work. He was not to observe any work norms as were observed by the employees of the bank. There was no educational qualifications prescribed for the appointment of such agents. The employee was not required to attend office of the bank. The terms and conditions of the agency are contained in the agreement annexure R/1.

4. In support of his case the employee Shri Ajay Kumar Doshi has filed an affidavit wherein he mentioned that he was working as Collection Agent in the bank. He used to collect the money from the depositors and deposited it in the bank in their accounts. He used to collect the information with regard to balance of money shown in the accounts of the depositors. He used to accept cash from the depositors and make entries in the books of account. The

bank could take disciplinary action against him. The cross-examination levelled against him does not bring him in the bright light. He admits that he was not required to mark his attendance in any of the registers of the bank. He did not sit in the office of the bank. His commission was fixed @2% of the amount collected. He did not make entries in any of the books of account of bank. He did not pass any qualifying test necessary for selection as the bank employee. He did not apply for leave from the bank. The bank exercise no control over him. This statement goes to show that he was not an employee or a workman of the bank. He was a free man. The only contact that he had with the bank was to deposit the amount which he collected from various depositors from time to time. He was to take commission at a fixed rate on that collected amount. He was not under the control of the bank with regard to what he did outside the bank. It is a case where there was no relationship of master and servant between the bank and the employee.

5. In rebuttal Shri D. N. Basu, Manager of the bank, states that Shri Doshi was not an employee of the bank. He was working as Collection Agent. The bank had no control over him. In his cross-examination he states that Shri Doshi was a Collection Agent; Shri D. N. Shah states that Shri Doshi was a Collection Agent vide agreement dated 14-12-76. He was not an employee of the Bank. Shri B. L. Seth, Branch Manager, states that Shri Doshi was a Collection Agent as per the terms and conditions mentioned in the agreement Ex. M-1 dated 14-12-76. His job was not similar to that of cashier or clerk. No cross-examination has been levelled on behalf of the employee at Shri C. N. Shah and Shri B. L. Seth. I see no reason to disbelieve the testimony of these witnesses.

6. I must notice the rulings which have been relied upon by Shri Man Singh, learned representative appearing on behalf of the employee. The decision in Hussain Bhai vs. Alath Pastary, AIR 1978; SC, 1410, is not the case in point. The facts were that the workman who were employed by the contractor were regarded to be the workman of the principal employer. The workmen were considered to be an integral part of the industry concerned. In Royal Talkies, Hyderabad vs. REI Corporation AIR 1978 SC 1478, the facts were that the workman employed at the cycle stand of the Cinema Theatre were considered to be the employees of the Cinema Owner despite the fact that they were employed by the contractors. Silver Jubilee Tea House vs. Chief Inspector of Shops, SC, FLR 1973 (27)350, was a case under the Payment of Wages Act, 1936. It was held that the person who was employed part time would be considered to be the employee of the tailoring shop. In Employers Punjab National Bank Ltd. vs. Ghulam Dastgir (SC) 1978 AISLJ 214, the facts were that the officer of the bank took in his private employment a driver for his car and paid him out of a sum of Rs. 200 he got from the bank. It was held that the driver was not the employee of the bank. The last authority is reported as Kerala Bank vs. Appellate Authority, FLR 1977, (39), 260. It was a case under Kerala Shops and Establishments Act 1960. The facts were that certain appraisers were employed by the bank in its scheme of advancing money on the security of gold. The appraisers were given by the bank 12 paise per loan of Rs. 100. The appraisers were held to be the employees of the bank. It may be mentioned here that this was a case under the Shops and Establishment Act and not in a case under the Industrial Disputes Act.

7. As against this the Kerala High Court in John Wveth and Brother vs. Industrial Tribunal, 1977 Lab.I.C. 1997, held that a medical representative was not the workman within the meaning of section 2(s) of the Act. His job was only to canvass for the sales of the products manufactured by the company. In this case also the work of the employee was comprised of collecting money from the depositors. The Madras High Court in N. Rajkumar vs. Management of Indian Bank, AIR 1983, 145 held that the action of the bank in putting an end to the schemes of accepting deposits could not be challenged by the persons who were collecting those deposits and accepting commission on those deposits. Delhi High Court in Shri I. K. Mittal vs. Management of Saste Sahitya Mandal 1987 I J.L.J. 231, held that a sales canvasser is not workman within the meaning of

section 2(s) of the Act. His duty was to promote sales of books and get the commission on the sales. He was not the workman.

8. As mentioned earlier, Shri Doshi was not an employee or workman of the bank. He was merely a Collection Agent as per the terms and conditions mentioned in the agreement of agency Ex. M-1. The claim made by Shri Doshi was groundless and misconceived.

9. I answer the reference against the employee Shri Ajay Kumar Doshi and in favour of the bank management.

10. Let the award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-12012/311/81-D.II(a)]

का.आ. 3513—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिडिकेट बैंक के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3513.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the Syndicate Bank and their workmen, which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, RAJASTHAN, JAIPUR

Case No. CIT 29/86

Reference : Government of India, Ministry of Labour, New Delhi Notification No. E-12012/230/85-D.II(A) dated 17-6-86.

In the matter of an Industrial Dispute

BETWEEN

Shri S. M. Dadlani represented by the Secretary, National Confederation of Bank Employees, C/o Central Bank of India, Ajmer.

AND

Syndicate Bank, New Delhi.

PRESENT :

Shri J. P. Bansal, RHJS.

For the Applicant :—Shri C. D. Chaturvedi.

For the Management:—Shri R. Chodhry.

Date of Award : 30th June 1987

AWARD

The Desk Officer, Government of India, New Delhi vide its above cited notification has referred the following dispute to this Tribunal for adjudication under section 10(1) of the Industrial Disputes Act, 1947 :

“Whether the action of the management of Syndicate Bank, New Delhi in not giving the benefit of past temporary services to Shri S. M. Dadlani, Clerk is justified ? If not, to what relief is the workman concerned entitled ?”

2. The facts as mentioned in the statement of claim put in by the Union on behalf of the employees are these. The employee Shri S. M. Dadlani was given the appointment in a

temporary capacity on 3rd November 1977 by the Syndicate Bank, New Delhi. He continued to work in that capacity until 2nd February 1978. Thereafter he was relieved of his charge. He was again appointed for a period of two months vide appointment letter dated 4-2-78. He joined on 6th February 1978. This temporary appointment was converted into permanent one. Since then he has continued to work under the bank. It has been averred on behalf of the employee that he must have been considered a permanent employee right from 3rd November 1977 when he first entered the service of the bank. The reason given is that when a temporary employee is selected against a permanent post, his period as temporary service is recorded as a probationary period. This claim is based on the provision contained in Clause 20.8 of the I Bipartite Settlement dated 10-10-66. It is as follows :

"A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed the period of three months during which bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period.

3. The employee raised a dispute against the bank and tried to get what was due to him, but without any success. He referred the matter to the Conciliation Officer but again without any success. This is how the matter has been referred to this tribunal. He prays that the period of service which he put in as temporary employee be treated as a period of probation. He may be given the wages for three days from 3rd to 5th February 1978 on account of Earned Leave. His date of annual increment may be advanced from 6th February 78 to 3rd November 1977. The benefit on account of this may be given to him every year.

4. So far as the factual position is concerned it remains undisputed as is clear from the averments made in the reply put in by the bank. The position taken up by the bank is that this dispute is not maintainable because of the fact that it has not been referred to this tribunal by a competent union. The union, namely National Confederation of Bank Employees does not function in relation to the Syndicate Bank. Thus the industrial dispute is not maintainable under Section 2(k) of the Industrial Disputes Act 1947. There was a break in service in that the employee was relieved of the charge on 2nd February 1978 and he was given further employment for a period of two months on 6th February 1978 vide letter dated 4th February 1978. The employee was not engaged by the bank against a permanent vacancy. There was no permanent vacancy.

5. Before I enter the merits of the case I think it proper to dispose of the preliminary objection raised from the side of the bank. The industrial dispute once referred to the tribunal has got to be answered by it. It cannot be thrown out on mere technical ground. It has been admitted in the reply itself that the dispute has been raised by the union. It is not necessary for a valid reference to be raised by a union which is connected with the establishment of the employer. I, therefore, dismiss the preliminary objection. Reference in this connection may be made to the decision in *workmen vs. Hindustan Lever Limited* 1985 SCC (L&S) 6-(1984) 4 SCC 392.

6. Both the parties have produced their documents. It is only the employee who has produced his affidavit. The affidavit has been sworn in before me. He has been cross-examined by the opposite party. It has been stated in the affidavit that the employee was appointed a temporary clerk w.e.f. 3rd November 1977 at the Syndicate Bank, New Delhi and continued to work as such until 2-2-78. He worked for 92 days. It has further been stated that he was appointed against the permanent vacancy. In his cross-examination he states that the fact that he was given the appointment on temporary basis was mentioned in his letter of appointment. He was relieved of the charge on 2-2-78. He was given another letter of appointment as a result of which he joined the duty on 6-2-78. He availed himself of the casual leave on 14-1-78. He claimed neither sick leave nor privilege leave during the period he worked as temporary hand.

7. A bare perusal of the record goes to show that he was given the temporary appointment as a result of which he joined duty on 3-11-77. The petition taken up by the workman is that he was appointed against a permanent vacancy. This allegation has been denied by the bank. There is substratum of truth in the statement of the employee. He makes the allegation to the effect that he was appointed against permanent vacancy. He has stated on oath in his affidavit that he was appointed against a permanent vacancy. There is no rebuttal of this allegation. I cannot but come to the conclusion that he was given the appointment against a permanent vacancy. The fact that his appointment was temporary for a period of two months at the initial stage does not mean that the appointment was not against the permanent vacancy. The practice is that an employee is first given temporary appointment even if his appointment was against a permanent vacancy. I, therefore, see no dichotomy between these two positions. There is no oral evidence from the side of the bank. There is no document produced from the side of the bank to prove this fact that the appointment was not against the permanent vacancy. I may also mention that the duties and functions discharged and performed by the employee were of similar nature which are discharged and performed by a permanent hand.

8. Another point to be kept in mind is that the employee worked for 92 days from 3-11-77 to 2-2-78. A bare perusal of the provision contained in clause 20.8 of the I Bipartite Settlement, 1966, goes to show that where a temporary hand is eventually selected for filling up of a permanent vacancy as is happened in this case, the period of such temporary employment is to be taken into account as part of his probationary period. In the present case this provision has been flouted by the bank. The bank even in its own letter dated 2-1-78 which is sent to the employee made it clear that he was to be put on probation with retrospective effect. There is a foot-note appended to this letter, a copy of which has been sent to the head office, personnel department, Manipal. It goes to show that the bank itself thought it proper to put this employee on probation even during the period when he was working as temporary hand.

9. I make the award in favour of the employee and against the bank to the effect that the period from 3-11-77 to 2-2-78 shall be treated as probationary period. The period of three days from 3rd to 5th February 1978 shall be adjusted against whatever leave was permissible to the employee. The salary for this period shall also be given. The date of yearly increment shall be adjusted and advanced accordingly. The other benefits shall follow accordingly.

10. Let the award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-12012/230/85-D.II (A)]

का.आ. 3514—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक आफ इंडिया, के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, जयपुर के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-11-87 को प्राप्त हुआ था।

S.O. 3514.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Jaipur as shown in the Annexure in the industrial dispute between the employers in relation to the Central Bank of India and their workmen which was received by the Central Government on the 24th November, 1987.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
RAJASTHAN, JAIPUR

Case No. CIT-28/82

REFERENCE :

Government of India, Ministry of Labour, New Delhi
Order No. L-12012/269/81-D. II(A) dated 3-8-82.
In the matter of an Industrial Dispute

BETWEEN

Shri S. S. Sharma, Sub-Accountant represented by
Rajasthan Bank Employees Union.

AND

Central Bank of India, Jaipur.

PRESENT : Shri J. P. Bansal, RHJS.

For the Union : Smt. Premrata Shah.

For the Bank : Shri D. N. Sharma

Dated of Award : 13th July, 1987.

AWARD

The Desk Officer, Government of India, Ministry of Labour, New Delhi, vide his above quoted Order has referred the following dispute to this tribunal for adjudication under Section 10(1) of the Industrial Disputes Act, 1947 :

"Whether the action of the management of Central Bank of India, Jaipur in denying duty leave and payment of T.A./D.A. as per the provisions of Bipartite Settlement dated 19-10-66 to Shri S. S. Sharma, Sub-Accountant, and a protected workman is justified? If not, to what relief is the workman concerned entitled?"

2. The facts are these. It has been alleged in the statement of claim that Shri S. S. Sharma attended the departmental enquiry which was pending against an employee by name Shri Lokumal, Assistant Cashier, Central Bank of India, Johari Bazar, Jaipur on 17-19 October 1980 at Jaipur. The Central Bank of India, hereinafter referred to as the bank, did not give Shri Sharma duty leave as also T.A./D.A. for the foregoing period. This action of the Bank is in contravention of the provisions of Bipartite settlement dated 19-10-66.

3. In the reply it has been alleged that Shri S. S. Sharma was not given the duty leave as also T.A. and D.A. for the simple reason that Shri Sharma was neither an employee nor a workman but was an officer of the bank. The Bipartite Settlement of 19-10-66 was applicable only to an employee or to a workman and not to an officer. It was, however, admitted that Shri Sharma attended the departmental enquiry as alleged by him.

4. It is not in dispute before me that Shri Sharma attended the departmental enquiry pending against an employee at Jaipur, on 17/19-10-80. The points which are in dispute are two. The first point is that Shri S. S. Sharma is an officer of the bank. The second point is that the Bipartite Settlement of 19-10-66 is not applicable to an officer.

5. With regard to the first point the allegation of the bank is that Shri Sharma is an officer. This allegation of the bank is neither controverted nor disputed by the union. There is no evidence from either side. I, therefore, hold that Shri S. S. Sharma is an officer of the bank. In other words he is neither an employee nor a workman of the bank.

6. As regards the second point, it is very clear from a bare perusal of para No. 19.12(d) of the Bipartite Settlement of 19-10-66 that it is not applicable to an officer of

the bank. The term "employee" has been used in clause (d). It goes to show that before the benefit can be claimed. It must be shown that claimant is either an employee or a workman. In this case Shri Sharma is neither an employee nor a workman. Similar is the position with regard to the provisions contained in para 13.39 of the Bipartite Settlement which deals with the granting of special leave to the employees who attend meetings and conferences of trade unions of bank employees. Shri Sharma attended neither any meeting nor any conference of a trade union of bank employees when he participated in the disciplinary proceedings pending against an employee at Jaipur during the relevant period.

7. I make the award against the employee and in favour of the bank to the effect that the employee Shri S. S. Sharma is not entitled to any relief.

8. Let the award be sent to the Central Government for publication as per law.

J. P. BANSAL, Presiding Officer

[No. L-12012/269/81-D.II (A)]

N. K. VERMA, Desk Officer

नई दिल्ली, 3 दिसम्बर, 1987

का. आ. 3515.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा करना अपेक्षित है कि तांबा खनन उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि 13 के अंतर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाए :

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ब) के उपखंड (vi) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छह मास की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस० 11017/7/85-डी-1(ए)]

नन्द लाल, अवर सचिव

New Delhi, the 3rd December, 1987

S.O. 3515.—Whereas the Central Government is satisfied that the public interest requires that the Copper Mining Industry, which is covered by entry 13 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purpose of the said Act for a period of six months.

[No. S-11017/7/78-D. I(A)]

NAND LAL, Under Secy.

नई दिल्ली, 4 दिसम्बर, 1987

का. आ. 3516.—ओनस संदाय अधिनियम, 1965 (1965 का 21) की धारा 30 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निम्न तालिका के कालम 1 में विनिर्दिष्ट अधिकारियों को ऐसे मामलों में, जहाँ केन्द्रीय सरकार समुचित सरकार है, केन्द्रीय सरकार के प्राधिकार के अधीन न्यायालय में शिकायत करने के लिए प्राधिकृत करती है।

तालिका

अधिकारी	क्षेत्र सीमा
1	2
I. क्षेत्रीय श्रमायुक्त (केन्द्रीय), अजमेर।	समस्त राजस्थान राज्य।
II. क्षेत्रीय श्रमायुक्त (केन्द्रीय), आसनसोल।	पश्चिम बंगाल राज्य में बर्द-वान, बीरभूम, बांकुरा तथा पुरुलिया जिले।
III. क्षेत्रीय श्रमायुक्त (के.) बम्बई।	समस्त महाराष्ट्र तथा गोवा राज्य, बीर दमन द्यादिव संघ राज्य क्षेत्र।
IV. क्षेत्रीय श्रमायुक्त (के.) बंगलूर।	समस्त कर्नाटक राज्य।
V. क्षेत्रीय श्रमायुक्त (के.) भुवनेश्वर।	समस्त उड़ीसा राज्य।
VI. क्षेत्रीय श्रमायुक्त (के.) कलकत्ता।	समस्त पश्चिम बंगाल राज्य (बर्दवान, बीरभूम, बांकुरा, तथा पुरुलिया जिलों को छोड़कर)।
VII. क्षेत्रीय श्रमायुक्त (के.) खंडीगढ़।	समस्त हिमाचल प्रदेश, हरियाणा, पंजाब, जम्मू और कश्मीर राज्य तथा चंडीगढ़ संघ राज्य क्षेत्र।
VIII. क्षेत्रीय श्रमायुक्त (के.) धनबाद।	समस्त बिहार राज्य।
IX. क्षेत्रीय श्रमायुक्त (के.) गौहाटी।	समस्त अरुणाचल प्रदेश, असम, मणिपुर, मेघालय, मिजोरम में नागालैण्ड तथा त्रिपुरा राज्य।
X. क्षेत्रीय श्रमायुक्त (के.) हैदराबाद।	समस्त आन्ध्र प्रदेश राज्य और पांडिचेरी संघ राज्य क्षेत्र का "यमन" क्षेत्र।
XI. क्षेत्रीय श्रमायुक्त (के.) जबलपुर।	समस्त मध्य प्रदेश राज्य।
XII. क्षेत्रीय श्रमायुक्त (के.) कानपुर।	समस्त उत्तर प्रदेश राज्य।
XIII. क्षेत्रीय श्रमायुक्त (के.) मद्रास।	समस्त तमिलनाडु राज्य तथा पांडिचेरी संघ राज्य क्षेत्र के "यमन" क्षेत्र को छोड़कर समस्त पांडिचेरी संघ राज्य क्षेत्र।

- XIV. क्षेत्रीय श्रमायुक्त (के.) समस्त दिल्ली संघ राज्य क्षेत्र।
दिल्ली
- XV. क्षेत्रीय श्रमायुक्त, समस्त गुजरात राज्य तथा (केन्द्रीय), अहमदाबाद। दादर नागर हवेली संघ राज्य क्षेत्र।
- XVI. क्षेत्रीय श्रमायुक्त (के.) समस्त केरल राज्य तथा कोचीन। लक्षद्वीप संघ राज्य क्षेत्र।
- [स. एस—65016/51/87—डब्ल्यू. बी.]
ए. के. खूबरा, उपनिवेशक

New Delhi, the 4th December, 1987

S.O. 3516—in exercise of the powers conferred by sub-section (1) of section 30 of the Payment of Bonus Act, 1965 (24 of 1965), the Central Government hereby authorises the Officers specified in column I of the Table below to make complaint in a court for and under the authority of Central Government in cases where the Central Government is the appropriate Government.

TABLE

Officers	Limits
1	2
I. Regional Labour Commissioner (Central) Ajmer.	Whole of Rajasthan State.
II. Regional Labour Commissioner (Central) Asansol.	District of Burdwan, Birbhum, Bankura and Purulia in the State of West Bengal.
III. Regional Labour Commissioner (Central), Bombay.	Whole of Maharashtra and Goa States, and the Union Territories of Daman and Diu.
IV. Regional Labour Commissioner (Central) Bangalore.	Whole of Karnataka State.
V. Regional Labour Commissioner (Central) Bhubaneswar.	Whole of Orissa State.
VI. Regional Labour Commissioner (Central) Calcutta.	Whole of West Bengal State (excluding the Districts of Burdwan, Birbhum, Bankura and Purulia).
VII. Regional Labour Commissioner (Central) Chandigarh.	Whole of Himachal Pradesh, Haryana, Punjab, Jammu and Kashmir States and the Union Territory of Chandigarh.

1	2
VIII. Regional Labour Commissioner (Central) Dhanbad.	Whole of Bihar State.
IX. Regional Labour Commissioner (Central) Gauhati.	Whole of Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura States.
X. Regional Labour Commissioner (Central) Hyderabad.	Whole of Andhra Pradesh State and 'Yaman' of Union Territory of Pondicherry.
XI. Regional Labour Commissioner (Central) Jabalpur.	Whole of Madhya Pradesh State.
XII. Regional Labour Commissioner (Central) Kanpur.	Whole of Uttar Pradesh State.
XIII. Regional Labour Commissioner (Central) Madras.	Whole of Tamil Nadu State and the Union Territory of Pondicherry except 'Yaman' area of Union Territory of Pondicherry.
XIV. Regional Labour Commissioner (Central) Delhi.	Whole of Union Territory of Delhi.
XV. Regional Labour Commissioner (Central) Ahmedabad.	Whole of Gujarat State and Union Territory of Dadra and Nagar Haveli.
XVI. Regional Labour Commissioner (Central) Cochin.	Whole of Kerala State and Union Territory of Lakshadweep.

[No. S-65016/51/87-WB]
A. K. LUTHRA, Director

नई दिल्ली, 4 दिसम्बर, 1987

का. आ. 3517.—राज्य सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री बी. एम. हज़ारिका के स्थान पर श्री जी. सी. खोंड, सचिव, आसाम सरकार, श्रम और रोजगार विभाग को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है;

अतः, अब, केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 545 (अ), दिनांक 25 जुलाई, 1985 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, "(राज्य सरकार द्वारा धारा 4 के खण्ड (घ) के अधीन नामनिर्दिष्ट)" शीर्षक के नीचे

सद 9 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

श्री जी. सी. खोंड,
सचिव, आसाम सरकार,
श्रम और रोजगार विभाग,
गोहाटी ।

[संख्या यू-16012/7/85-एस.एस.-1]

ए. के. भट्टराई, अवसर-सचिव

New Delhi, the 4th December, 1987

S.O. 3517.—Whereas the State Government of Assam has, in pursuance of clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri G. C. Khound, Secretary to the Government of Assam, Labour & Employment Department to represent that State on the Medical Benefit Council in place of Shri B. M. Hazarika;

Now, therefore, in pursuance of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 3455 dt. 17th September, 1986, namely :—

In the said notification, under the heading "(Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10)" for the entry against item 9, the following entry shall be substituted, namely :—

"Shri G. C. Khound,
Secretary to the Government of Assam,
Labour and Employment Department,
Gauhati.

[No. U-16012/7/85-SS. I]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 4 दिसम्बर, 1987

का. आ. 3518.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 16(1) के अनुसरण में, डाक्टर वेद प्रकाश के स्थान पर डाक्टर के. एम. सक्सेना को 4 दिसम्बर, 1987 के पूर्वाह्न से आगामी आदेश जारी होने तक चिकित्सा आयुक्त कर्मचारी राज्य बीमा निगम के रूप में नियुक्त करती है।

[सं. ए.-12026/2/87-एस.एस.-I]

मीना गुप्ता, निदेशक

New Delhi, the 4th December, 1987

S.O. 3518.—In pursuance of section 16(1) of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government appoints Dr. K. M. Saxena as Medical Commissioner, Employee State Insurance Corporation with effect from the forenoon of the 4th December, 1987 until further orders vice Dr. Ved Prakash.

[No. A-12026/2/87-SS. I]

MEENA GUPTA, Director

नई दिल्ली, 9 दिसम्बर, 1987

का. आ. 3519.—उत्सवाय आधोनयम, 1983 (1983 का 31) की धारा 15 की उपधारा (2) द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए केन्द्रीय सरकार भारतीय दूतावास, रियाध साऊदी अरेबिया में द्वितीय सचिव (श्रम) श्री कृष्ण कुमार को सक्षम प्राधिकारी की शक्तियों का प्रयोग करने तथा उन नियोजकों जो उस देश में रोजगार के लिए किसी भारतीय नागरिक की भर्ती के प्रयोजनार्थ भारतीय नागरिक नहीं हैं, को परमिट जारी करने के लिए प्राधिकृत करती है।

New Delhi, the 9th December, 1987

S.O. 3519.—In exercise of the powers conferred by sub-Section (2) of Section 15 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri Krishan Kumar, Second Secretary (Labour) in Embassy of India, Riyadh (Saudi Arabia) to exercise the powers of Competent authority and to issue permits to employers who are not citizens of India for the purpose of recruiting any citizen of India for employment in that country.

[संख्या ए-22020/1/86-उत्प्रवास-II]

[No. A-22020(1)/86-Emig. II]

ए. के. टंडन, उत्प्रवासी महामंरक्षक तथा संयुक्त सचिव

A. K. TANDON, Protector Genl. of Emigrants
and Jt. Secy.

